ON ECCLESIASTICAL POWER OF THE SUPREME PONTIFFS

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ON

ECCLESIASTICAL POWER

OF THE SUPREME PONTIFFS AND GENERAL COUNCILS

A TREATISE

Together with a Vindication of Pontifical Authority against the Work of Justin Febronius.

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"We define that the Holy Apostolic See and the Roman Pontiff hold the primacy over the whole world, and that the Roman Pontiff is the successor of Blessed Peter, the Prince of the Apostles, and the true Vicar of Christ, the Head of the whole Church, the Father and Teacher of all Christians; and that full power was given to him in the person of Blessed Peter to feed, rule, and govern the universal Church by our Lord Jesus Christ; just as is also contained in the acts of the Ecumenical Councils and in the sacred canons."

Definition of the Sacred Synod of Florence, in the Year 1439.

PREFACE TO THE NEW EDITION

To begin with the words of Pope Pius VI (in the Brief issued on November 28, 1786): "Upon the Rock of Peter, the Church founded by Christ, with Peter singled out by the singular office of Christ, who was to exist as Prince of the Apostolic Choir with Vicarious power, who was to have the highest care to feed the entire flock, to confirm the brethren, and to bind and loose throughout the whole world — this supreme care and authority was to be passed on to his Successors in every age:" this is a Catholic Dogma, which, received from the mouth of Christ, handed down and defended by the perennial preaching of the Fathers, the universal Church has most sacredly retained in every age, and has most frequently confirmed by the decrees of the Supreme Pontiffs and Councils against the errors of innovators. In this, namely, Christ willed the stable and binding bond of unity to be fastened to the Principate of the Apostolic Throne, so that the power of this bond might avail not only for the amplification of the First See, but above all for the integrity and preservation of the entire body. Given this Catholic dogma of the primacy of the Roman Pontiffs — which is not merely of honor, but of full, supreme, and ordinary power of governance, or as the Councils say, of jurisdiction — there has been very fierce contention among those who call themselves Catholics, whether on account of prejudices of the intellect obscuring natural acuity, which cause them not to perceive the things connected with the dogma, or because, driven by hostile hatred toward the Church of God and the most holy See of Peter, they labor — as Pius VI says (ibid.) — "to uproot the very foundation, if it were possible, by throwing it down from its base and severing the union of the Churches with their Head, by means of which they chiefly strive, are strong, and flourish, so as to afflict the Church herself, broken in her forces and torn apart, and to strip her of the liberty which Christ bestowed upon her, and to consign her to an unworthy servitude." The two principal faculties of the Pontifical primacy, which belong to the spiritual governance of the Church and are summoned into grave controversy, are these two: first, what is the right of the Roman Pontiffs in defining controversies of faith;

second, what is the power of those same Pontiffs compared with the power of the Ecumenical Council.

As regards the first faculty — that of defining controversies of faith, in which also questions of morals pertaining to natural and divine law are comprehended — our author demonstrated this, together with the prerogative of Pontifical infallibility, with consummate skill and with arguments absolutely conclusive in that famous work: On the Force and Nature of the Primacy of the Roman Pontiffs and on Their Infallibility in Defining Controversies of Faith — a work which we have just published in a new edition one year ago. The second faculty of the Pontifical power compared with the right of General Councils — a faculty which is not solely about faith but also encompasses the matter of discipline, needing different and varied principles — is explained and established in this volume which we have now consecrated to public utility.

How aptly our author has recalled all the controversy about the Pontifical primacy to these two headings will escape no one. For once these two points are established, all the other rights of the primacy follow of inescapable consequence and remain intact and safe. Our author has followed in this the footsteps of the Fathers; he has followed the most illustrious bishop of that time, Anselm of Havelberg, who was sent as legate by the Emperor Lothair II to Constantinople in the year 1135, and there boldly opposed all the Greeks and the principal adversary Nechiti, Archbishop of Nicomedia, in a famous convention which he arranged in the name of the entire Latin Church: "It is established that the Roman Church has by divine gift two privileges above all others: namely, the incorrupt purity of faith, and supreme power of judging over all" — which privileges respect both the constitution of the unity of faith and of the governance in the Church. "For the health of the Church," in the words of Saint Jerome in his Dialogue against Lucifer, "depends on the dignity of the High Priest, to whom if an eminent and surpassing power over all is not given, there will be as many schisms in the Churches as there are priests."

The power which the Pontifical primacy of jurisdiction contains in itself, we have said to be full, supreme, and ordinary. It is called full, because all the power which was conferred by Christ the Lord for the spiritual governance of the Christian people is integral to the Roman Pontiff: it is called supreme, because the Roman Pontiff is superior to the remaining Bishops, whether taken distributively or collectively, dispersed or assembled — inasmuch as he is the Head of the whole Church, and the Father and Teacher of all Christians, to whom the full power of feeding, governing, and guiding the universal Church was given in the person of Blessed Peter by Our Lord Jesus Christ (Council of Florence). It is called ordinary because that same power is held by virtue of his office and is not delegated.

Up to the beginning of the fifteenth century there is found no dispute among Catholics concerning these two recounted faculties of the Pontifical primacy. For all Catholics, theologians, Fathers, and Councils recognized, established, and championed the supreme and infallible authority of the Roman Pontiff everywhere; and completely unknown to them was the distinction recently introduced between Bishops taken distributively and collectively. Before the deplorable times of the great schism, no Father, no Theologian (excepting only the Greek schismatics after the times of Photius and Caerularius, and other heretics whose authority in this matter is wholly null — since the lot of all these persons is, in Cardinal Bellarmini's words, that "while they agree with one another in other dogmas no less than they disagree with us, in this however they unite, so that with all forces and supreme contention the primacy of the Roman Pontiffs can be attacked, in order that those who speak from the Chair and from the Cathedra of the Supreme Pontiffs about definitions of faith may be shown to be infected with error, and that the Roman Pontiffs themselves may be subjected to any councils of Bishops") — but verily, all who have treated of the authority of the Roman Pontiffs have always testified that it is both supreme and infallible.

The dissension between Boniface VIII and Philip the Fair had exasperated the minds of many Frenchmen greatly, so that even the adversaries of the Pontiff at the

beginning of the fourteenth century, in a writing presented in the name of the Gallican nation to Clement V against Boniface VIII, acknowledged: "The question is not raised about the heresy of the Pope as Pope, but as a private person; nor could the Pope be a heretic, but only as a private person. Nor could any Pope as Pope ever be a heretic. And therefore, when the question about his heresy after death is raised, it is not necessary to convene a general council. For you are, Most Holy Father! the Vicar of Jesus Christ, representing the whole body of the Church, you who hold the keys of the kingdom of heaven: a general council cannot be convened without you, nor could it acknowledge anything except through you." These words, given the circumstances in which they were spoken, uttered in the name of the whole nation, are so clear and luminous that nothing could be more so.

The famous chancellor of the University of Paris, John Charlier, commonly called Gerson, wrote concerning Ecclesiastical Power, in Consideration XII: "Before the celebration of this most holy Council of Constance, the tradition of these men of letters" — namely that the Pope is infallible and above Councils — "had so occupied the minds of the majority, that its promoter, had it been opposed as an adversary of the dogma, would have been noted or damned for heretical depravity."

Yet it is far from the case that General Councils ever arrogated to themselves the power of summoning the Supreme Pontiff, or the right of passing sentence upon him, since the eighth Ecumenical Council (Constantinople IV, celebrated in 869), in article X, canon 13, directly ordained the contrary, whose sentence is this: "If anyone, with such reckless audacity as Photius or Dioscorus showed — whether in writing or in speech — dares to cast insults against the Cathedra of Coryphaean Peter the Apostle, let him be subject to the same sentence of condemnation as they. But if any controversy arises in an ecumenical Synod assembled about the Roman Church, it shall be permitted to inquire reverently about the proposed question and to receive the answer, and to support or help it; but not impudently to pronounce sentence against the decision of the senior Pontiffs of Rome."

Wherefore even by those things declared in the Second Council of Lyons (in 1274) and in the Fifth Lateran (in 1512) by Leo X with the sacred Council confirming, as well as those defined in the Florentine (in 1439) in the Decree, there are not lacking grave authors who hardly shrink from touching on as opinion bordering on heresy that which claims the general Council has supreme authority over the Pope. Indeed Cardinal Bellarminus, in his distinguished work which he composed on the Roman Pontiff, ch. 17, after establishing this proposition: "The Supreme Pontiff simply and absolutely is above the universal Church and above the General Council," added: "This proposition is almost of faith."

And lest the true status of the controversy be hidden from anyone, or the whole question be thought to turn on an empty debate, we note here with Fr. J. Perrone S.J., Praelectiones, vol. VIII, on the places of theology, pt. I, ch. III, §621, that the controversy concerns not a dubious but a certain, legitimate, settled matter about the authority of the living Roman Pontiff over the General Council; nor does the discussion concern a Council to which the Roman Pontiff presides either personally or through his legates and which he himself confirms — for to maintain this would be to maintain that the Roman Pontiff, from whom the decrees of Councils receive all their firmness, is superior to himself. Indeed, decrees confirmed by pontifical authority, as our author ch. 3 judges, have force to bind the Pope himself not from their intrinsic virtue but from a higher source, namely from natural and divine law, as the author himself explains; yet others hold that the canons and disciplinary decrees of even ecumenical councils, of which alone there is here discussion, never have coercive force over the Pontiffs, but only directive force. Our controversy therefore moves about the relative preeminence of the Roman Pontiff alone set apart above the Council, or the body of Bishops set apart considered from the Roman Pontiff. Such a body without the Roman Pontiff cannot rightly be called a General Council; and those who use that name are guilty not of our fault but rather of their own folly.

We know, by the promises of Christ made for the unity of the Church, which remain forever safe and inviolable, that it can never happen that either the Head is separated from the body of the Church, or the Church from her visible Head at any time or in opposition to each other; for the body without a head is a headless and lifeless mass of members, and a head without a body would be a monster; therefore without the Bishops adhering to him the Roman Pontiff will not exist; and those who are united to him, represent the Church with him and under him; but those who are separated from the Head, however numerous they may be, no longer have Christ's promises — which were made only to those united with the Head; yet from the monstrous license of thinking of the adversaries — which is by no means our fault — the way to schisms is paved, and the obedience due to the Vicar of Christ is smothered, and a handle of mischief is given to disturbers, who at their pleasure in the Church excite tumults and produce innumerable errors contrary to the truth.

And this is all the more the reason why, in prefacing this work, we have set our aim at investigating the source of the evil, what is the root of error, and especially by what means and with whose cooperation it has prevailed in so horrible a manner. In this matter, while the patrons of this novel opinion about the preeminence of Councils over the Roman Pontiff must be reviewed, truth must first be placed before us, nor is it to be conceded that the pretended authority of erring men ever obscures or clouds it. Many things which we shall review — as many as we could — from approved authors who are witnesses of truth, we shall endeavor to set forth in their own words, lest, while we dispel the shades of false glory, we appear to be pursuing someone with petulant tongue. We shall deal not with persons but with their errors; nor do we study how to say new things, but according to the saying of Vincent of Lerin, Comm. ch. XXVII: "Teach the same things that you have learned, so that when you speak of new things, you do not say new things."

Up to the beginning of the fifteenth century, as we said, among Catholics there is found no controversy about the two aforesaid faculties of the Pontifical primacy: but in

the time of the great schism, which arose under Urban VI (elected 1378) and was extinguished with the election of Martin V (November 11, 1417), in the Council of Pisa, which met to abolish the Western schism in 1409, there first appeared a trace of the superiority of the Council over the Pontiff, which proposition was received nonetheless with something like horror, as our author ch. 5, §3 teaches. And when the Pisine Synod had produced no remedy — indeed had not a little increased the evil — at Constance (1414), which was a continuation of Pisa, that opinion recrudescent, with Gerson as its principal advocate, who dared to defend it with a speech delivered in the Council: and seeking a remedy for the body, he struck a blow upon the Head, which at the same time afflicted the whole body.

Then first it began to find patrons, so that in Sessions IV and V of that same Council — though not a few even then opposing even from Obedience, as they call it, of John XXIII alone then constituting the Council, in the absence of and in opposition to John XXIII himself — assertions about conciliar constitutions for the abolition of schism should be put forward; and again from the Council of Basle (1431), Session II, the matter was advanced: however, the decrees of Constance and Basle, which the Roman Pontiffs most frequently resisted, were confirmed by their assent not at all — absolutely speaking, but constrained to the case of the doubtful Pontiff and for the abolition of that schism, as Sardag. Theol. Dogm. tom. III. a. III. controv. VI. n. 397 expressly says in the words of the Constantian Synod; in which case it will always be the duty of the Council alone to inquire into the qualifications and conditions of the election of the Pontiff, without however exercising any power detrimental to the Pontifical authority, in which the Council can do nothing at all. For the election of the Roman Bishop is of ecclesiastical right; but the elected Roman Pontiff holds the primacy by divine right, and is not a subject of the Church but her Head.

How just these things are and conformable to the perennial constitution of the Church, which must have means for preserving and continuing the legitimate succession of Roman Pontiffs, by which they succeed in the Roman episcopate to Blessed Peter —

the perverse sense about Pontifical authority born of confusion of concepts none the less originated on the occasion of that great schism. For the true and proper seeds of democracy were scattered there and prejudices created; and as if, to redress the evils of the time of schism or of the doubtful Pontiff, it were necessary to establish the preeminence of Councils over the Roman Pontiff. From that time, therefore, factious men — Richerians, Jansenists, courtiers, Febronians, Eybel, Emsensians, and others of the same ilk — not only stubbornly propounded this new doctrine adverse to all antiquity, but even extolled with the highest praises the decrees of Constance and Basle, which have no force on account of the defect of Pontifical confirmation. One can scarcely believe how perverse and rebellious notions of canonical law, and false interpretations of divine law, on the foundation of which the Church is built, arose from there — by which even to this day "the Roman See and the bonds of unity are daily loosened" (Gregory XVI, encycl. 15 Aug. 1832), as "nothing (same encycl. 15 Aug. 1840) of the works of labor and striving is left undone which might, if it could be done, be expended in uprooting the building of the holy city from its foundations."

Given the times and circumstances which have been indicated, where the opinion of the preeminence of Councils over the Roman Pontiff arose, it remains for us to know its principal patrons and subsequent promoters and followers. The principal and strenuous, not to say the fabricator, they commonly call John Gerson, together with his master Peter of Alliac, Cardinal and Archbishop of Cambrai, who however was far more moderate than his disciple Gerson, since after the decree of Sessions IV and V of the Council of Constance he did not sell his opinion as certain and definite, but only handed it on as probable, and argued that it holds not in every case but only in some, as is to be read in the Treatise which he wrote on the Power of the Church in the very Constantian Council itself.

Gerson was laboring under the futile error of democracy, when the Lutheran Vonderhart tom. II, History of the Council of Constance, fol. 201, narrates that in a certain writing which he presented to the Constantian Fathers in 1414, he did not affirm

divine faith as giving a certain infallibility to Councils, but only that it pertained to the whole Church, as it contains also presbyters and laymen — which certainly no one of our Catholics in this age will dare to assert. Gerson addicted to the same errors, stripped of all modesty, defended the opinion of the superiority of Councils over the Pontiff against the most weighty Fathers and Theologians contradicting him, among whom are Cardinal John of Torrecremata and John Capistranus.

How slight — indeed null — is Gerson's authority in this matter, it is helpful to note in a few words from the dissertation of the Most Illustrious Petitdidier, Bishop of Macre, On the Mind of the Council of Constance, ch. I: "But what Gerson contains in his Tractate On the Means of Reassembling and Reforming the Church in a General Council is so preposterous and so little conformable to the doctrine of the Church that scarcely one page can be read without offending and enormously shocking the minds of the Supreme Pontiffs, so that the errors of Wicleff and the heresies of the sixteenth century, if he did not surpass them, he certainly equaled them. I consider it worthwhile at the end of my work to narrate a portion of what he says in this tractate, so that I may make those blush who venerate this theologian as a master in matters concerning the Church, Councils, and Roman Pontiffs." Then he lists the horrible and most base errors which Gerson taught Richerium, and which he has in common with Wicleffus and Hussio, in particular: see Bolgenius L'Episcopato tom. III cap. V. n. 262 and following — Antifebronium vindicatum diss. I. cap. V. pag. 148, and above all Sardagnam Theolog. Dogm. tom. III. art. III. controv. VI. n. 406 and 407, who especially charges Gerson with ignorance of the doctrine of the Fathers and of ecclesiastical history, and brands him "worthy of the stigma of all doctrine and the execration of all, because it is most apt for exciting seditions." In n. 407 to fifteen chapters the most base things are reduced, which Gerson propounded against pious ears, "surpassing here" — the errors of the Donatists, Wicleffians, and Hussites into which Gerson fell — "and certainly equaling in intemperance of spirit and malevolence toward the Roman Pontiffs." After reviewing these: "These and many other things which Gerson vomited forth from his impious

mouth, all Catholic confessions are in part manifestly heretical, in part fanatical, impious, seditious, false, and rash."

And shall we follow this man as a teacher in this matter of the Supreme Pontiffs? Are we to give a full and utterly blind faith to him concerning the sense which he attributes to the decrees of the Council of Constance? I observe one more thing: namely that the most prudent King Louis XIV of France prohibited the works of Gerson — so dangerously seditious, apt for being cited even against secular princes — from being printed again in his kingdom. But we need not speak at greater length about Gerson as a person; we attack rather the doctrine which is handed down in the name of this master by the Gallicans, Richerians, Jansenists, Febronians, and neoterical Canonists of today; to whom blame is given rather than to Gerson, for what Gerson sinned, in charity we do not urge; yet perhaps as an older man he repented bitterly in the bitterness of his heart, as Nicholas Cusanus, advanced in age, sang a palinode of those things which had escaped him in the heat of youthful disputation or which he had incautiously written in the work On the Concord of the Catholic, lib. II. c. 13. Similarly the most excellent Aeneas Sylvius, later Pius II, retracted and amended the errors of his adolescence.

The seeds of democracy scattered at Constance were most fully explained by Edmund Richerius, Doctor Sorbonist and Syndic of the Faculty of Paris, when the footsteps of Protestantism insisted, by the Jansenists and Febronians who recook and embraced it. He was the first among Catholics who in a book published in 1611, On Ecclesiastical and Political Power, openly dared to teach that the Church or the body of all the faithful is that subject in which the authority and jurisdiction of ecclesiastical governance from the institution of Christ resides. From this principle he collected that the Roman Pontiff, Bishops, and other pastors are ministers of the whole body of the faithful, who exercise pastoral authority by mandate and in the name of the universality of the faithful. Therefore the whole Church, or the universality of the faithful, is that which in this system principally and radically obtained the keys to be communicated to the Pastors, so that the Church or universality of the faithful could not use them: even the primacy of

the universal Church was that which adhered to the subject, and which therefore could be exercised by any one of its members by transferring it from one to another.

Richerius's book the very year following (1612) was proscribed by the Synod of Sens, presided over by Cardinal Du Perron, as containing erroneous, scandalous propositions and — as they sound — heretical and schismatic. The author sang a palinode twice, the first not long after the condemnation of the book, whose retraction reads: "I protest and declare that I always wished and still wish, that both I and the aforesaid booklet and all its propositions and their interpretation and all my doctrine be subjected to the judgment of the Holy Roman Catholic Church and the Holy Apostolic See, which I acknowledge as Mother and Mistress of all Churches and as infallible judge of Truth;" the second, far more ample together with the refutation of his errors, which he comprised in seven propositions, he left in his museum for posterity as a permanent and certain testimony of his sincere mind. Moreover our author pledged in his first declaration (1612, 1622, and 1629) that "he always preferred, with no other mind, intention, design, or at the exhortation of any, to write the booklet On Ecclesiastical and Political Power in 1611, than briefly to demonstrate what were the principal doctrines of the major Parisian school;" and truly Almainus, Joannes Major, Gerson, and others of the Parisian school, and especially that well-known Spaniard, Alphonsus Tostatus, Bishop of Avila, whose Defensor is in these places where the Supreme Pontiff is discussed — Bellarminus in the book On Ecclesiastical Writers observes — to be read with caution; and Tostatus together with Febronius are cited frequently. Since these things are so, it is sufficiently evident how great were the prejudices and preposterous principles about the primacy of the Roman Pontiffs raised in that unhappy time of the great schism, and how they have obscured the eyes of otherwise clear-sighted men.

Considering and turning over in my mind that unhappy age of the great schism — what attacks and assaults were made against the Roman See of Peter, as if the inviolable building of the holy City could, if it were possible, be torn up from its very foundations; then what battles arising from raging heretics at the next subsequent time, if it were not

that the most truthful promises of God checked them, against the Cathedra of Peter arose dire conflicts — as I think over all these things, it seems most manifest to me that the Right Hand of God in protecting the inviolate Spouse whom He purchased with His own Blood, was especially at work. For truly amid those most dangerous times, so that immediately the damage lately inflicted might be repaired, and thenceforth the hurricane of oncoming errors might be confronted by some barrier — behold! peace is given to the Church, and the Greeks also, as schismatics, returning to obedience are united to the Church, so that thus in the Florentine Ecumenical Synod with one voice all testify to, vindicate, and defend the divine rights of Peter's See, and are protected by that most famous Decree, by which all things are kept safe and sound. By which it was brought to pass that, the clouds of errors dispersed, provision had been made long since, lest the novelties of Richerius and others harmful to the Christian commonwealth should be sustained.

Unshaken from the beginning and by all past ages the valid axiom throughout the whole Church: "The First See is judged by no one" — which it was seen should be patiently borne by the most excellent Theologians in the sad times of the Constantian Synod, taking an exception in the case of schism and certain heresy, though it was sacred to many and to men distinguished by piety and learning. For in the time of that schism no certain and undoubted Roman Pontiff was present; the See was to be considered vacant, and it was the right of the Church to have the means of certainly and undoubtedly electing a Pontiff; but who of sound mind could judge it necessary on this account to establish the authority of a Synod above the Pontiff? Nevertheless, guided chiefly by Gerson, the Roman Pontiff as a private or even as a public person, namely as the Holder of the See as distinct from the See itself, was by some believed in those things which touched on his proper heresy — in which heresy however no Pontiff has yet fallen, and we are firmly confident it will never happen, simultaneously denying, on account of the promises made by Christ to Peter and his Successors, that the Roman Pontiff, as a public person speaking from the Cathedra, could err — or in respect of schism. These things, though utterly alien to the faith, were embraced by some Gallican doctors from the

Constantian Synod — not however universally; yet in such a way that they deny the privilege of supreme authority and inerrancy to the one Seated on the Cathedra of Peter, while they wish to deny nothing of its own prerogative to the Apostolic See itself, that is to the Roman Church united with its Head, the Successor of Peter; and this was the lubrica foundation of the original Parisian school opinion, which finally — alas! — when permitted among themselves to differ most widely, and extended beyond the terms by which it was restricted to the case of schism and heresy, degenerated into that famous and most hostile to the Roman Pontiffs Declaration which appeared in 1682.

How importune was the attitude of those few Bishops, who servile to the lay power and departing from the ancient doctrine of the Fathers who defended the Pontifical authority most openly and most firmly, deigned not to sing a palinode and deprecated their error, but deserting the doctrine of their Church and their Fathers preferred to embrace the novel opinion of John Gerson, and even to extend it to other matters, and approximated Richerius's views — who had preserved for the Primacy only the faculty of executing canons — and anteceded Febronius. For the Constantian opinion keeps more in speculation, but this Declaration respects rather practical application; since not only are the personal judgments of the Pontiffs declared reformable by some superior judgment, but also those of the Apostolic See, that is of the Roman Church together with its Head, conjointly — not only of the gathered but of the dispersed Church, as is sufficiently openly insinuated in the Declaration, and contrary to what was judged at Constance. Those who do not well perceive this, claim the same authority for the dispersed Church as for the gathered Church: for the question is not about authority alone but about the exercise of authority — that is about the uniform judgment of the whole Church, by which the sentence of the Apostolic See may be reformed — and such a judgment cannot be established and published from the gathered alone, but certainly not from the dispersed Church. This also adds to the case, that among the adversaries themselves it is not even agreed about the condition of the judgment of the Bishops by which the decrees of the Roman Pontiff may be reformed: some think it suffices to have the consensus of the

notable part of Bishops, some think it requires a majority, some finally require the unanimity of Bishops, if not a physically unanimous, at least a morally unanimous one.

By divine right, the adversaries confess, the Roman Pontiff holds the primacy of jurisdiction over all particular Churches and all Bishops: the Ecumenical Florentine Synod defined this; and the adversaries, admitting the distinction between Bishops taken distributively and collectively, confess that all Bishops taken distributively are truly subjected to the Roman Pontiff in true obedience and inward subjection of mind. Who then among Bishops will dare to rise up against his Superior, to whom he is subject by divine right? And how could the judgment of the dispersed universal Church arise, by which that of the Roman Pontiff may be reformed?

The doctrines of the Gallican Declaration of this kind — which heretics, neoterics, sublethal men and even Catholics always received with great applause, and to which even now — though it has been long suppressed by the constant remonstrance of the Apostolic See — they stubbornly adhere, finding not a small prop in the pretended authority of Jacobi Benigni Bossueti, Bishop of Meaux — yet lest it seem surprising to anyone, it should be known that many learned men very vehemently doubt whether the Defense of the Declaration, which claims the name of Meaux, is the genuine fruit of the Most Illustrious Meaux. For it was first published twenty-six years after the death of Meaux, not in France but in Luxemburg in 1730, then in Amsterdam in 1745, when the Meaux Prelate had carefully ensured that the books composed by him during his life should be published; then how great in the eyes of the Gauls was the true doctrine of Bossuet, certainly no one is ignorant; yet France constantly refused this work the use of her press. And what is more worthy of consideration, the book abounds in frequent contradictions, the testimonies of the Fathers and Councils are produced in bad faith and carelessly, truncated, distorted from their native and proper sense into an alien and improbable one, injuries and insults are cast against men conspicuous in piety and doctrine; and finally several books were edited under the false name of Meaux by Bossuet the younger, Bishop of Troyes, nephew of Meaux, most addicted to the Jansenian party, for the reason that

they bore the Jansenian character, condemned by many French Bishops. It is certain that the Defense which France constantly refused to publish, was circulated by the press of outsiders under the management of Bossuet Trecensis. With good reason therefore they deeply doubt whether that book had Meaux as its author, or whether it was rather altered and interpolated by the perfidy and artful devices of the Jansenians.

These things being so, who of the prudent would draw the genuine teaching of Meaux about Pontifical authority from that volume? Who will think it better to approach the fabricated writings which, while he lived, he himself consecrated to the light and utility of the public, rather than this rejected casket which the author himself wished to be consigned to oblivion and darkness? And therefore the most celebrated Bishops of France said that work which was published only after the death of Bossuet was of no authority, as you plainly have the words of the Bishop of Ruthenia, Doc. pastor. part. I. p. 375.

Take also as witness the Cardinal of Tecin and the Most Illustrious of Belsonance, Bishop of Massilia, of whom the former says in the Mandato pastor. given December 15, 1755: "When Meaux once kept obscure the works produced under his name a few years ago with all diligence, we justly consider these same things — as they now exist, not finished to his final hand and having need of a last revision — always, as equity requires, to imitate Bossuet himself; and we shall always separate from those works which were published before his eyes the things which he judged unworthy of public light; and if he had wished to publish them, he would not have done so before he had amended them with that severe diligence by which he had rendered himself formidable to adversaries." Therefore we consign to oblivion what Bossuet wished to consign to oblivion: ready before us are his genuine works by which we rightly judge the doctrine of others." However in the genuine books which, while living, Meaux himself consecrated to public light, he strenuously defended the authority of the Supreme Pontiff.

Moreover we note in passing that the Defense itself of the Declaration, deeply suspect of interpolation, grants to the particular Roman Church and to the Roman Apostolic See, the privilege of indefectibility of faith granted by Christ, such that error in

the Apostolic See, in the Church of Rome constituted, cannot obtain in the same way as in the universal Church, cannot be vindicated everywhere. Most greatly therefore do all those hallucinate in our times who without hesitation boldly affirm that Bossuet intended to deny the infallibility of the Roman Apostolic See, constituted at Rome, or of the Church in particular constituted at Rome; to such audacity indeed not even the pretended Defense of the Declaration proceeds.

We know indeed that the exemplar of the Defense, corrected by the author a little before his death in many places, is said to be preserved in the Royal Library of Paris: but all these things are not of great concern to us. For even if Bossuet desired to defend the Declaration reprobated by the Apostolic See, of which we are not sufficiently certain, we do not so esteem his authority as to follow those opinions which, under the name of Meaux, are published and which detract much from the Pontifical primacy — things which our Ballerinius solidly refutes. Moreover we thought it worthwhile to mention here even the grave censure of Benedict XIV, which he refers in the apologetic letter for Cardinal Henrico Norisio given 31 July 1748, reprehending the Meaux: "You will know," he says, "it will be beyond doubt a work published not many years ago and printed in type, which, though it lacks the name of an author, all nonetheless know to be Bossueti, the Bishop of Meaux, which he composed while he lived, at the command of the Gallican King Louis XIV, but left in manuscript in several Libraries. The whole work is engaged in asserting the propositions confirmed by the Gallican Clergy in the convention of 1682. It is indeed difficult to find another work, which equally everywhere opposes the doctrine received outside of France about the infallibility of the Supreme Pontiff from the Cathedra defining, about his excellence over any Ecumenical Council, about his indirect right, if the paramount good of Religion and the Church demands it, over the supreme temporal rights of Princes. At the time of our immediately preceding Predecessor Clement XII there was a serious discussion about proscribing the work, and the conclusion was finally reached to abstain from proscription, not so much on account of the memory of the author well-deserved of Religion in so many other chapters, but out of a just fear of new dissensions."

We have here at the same time, to note in passing, a most worthy testimony of all faith, Benedict XIV, teaching that the doctrine about the infallibility of the Roman Pontiffs and preeminence outside of France, where it had the most serious patrons always, had been received everywhere. And let us not take one from the Spaniards, A. Tostatum, who, angered at Pope Eugenius IV, wrote imprudently with youthful impetuosity against the Pontifical authority. For the same Tostatus, the later Bishop of Avila, with mind pacified by age, exhibited himself a vindicator of Pontifical authority, as witness Spondanus Apamiensis among the Bishops of France. As to what concerns the Germans, the illustrious J.G. Kauffmans in his Apologetico printed at Cologne in 1767 exhibits, p. 151 exhibits: "No Bishop of Germany, Belgium, or Flanders taught in a Synod or through pastoral letters, and no public school of Germany of either party taught the fallibility of the Roman Pontiff." Now what novelty in sacred and profane affairs has been spreading since that time needs not much saying here. What wonder then that many carried away by the lust of innovating have adopted new articles?

That the Declaration of 1682 reprobated several times by the oracle of the Apostolic See was always suspect to prudent men, and has brought them to beware of it — namely that the enemies of the Church so fervently adhere to these opinions and fight for them as for hearth and home — has always been a sufficient demonstration. These were the theses of theologians, the weapons of heretics and pseudo-politicians; the disputants drive these and suppress the Church. But enough of this — let us come to order.

Since the Most Illustrious Cameracensis, Pastoral Instruction of 1728, admonishes that "it is the interest of all heretics to establish this principle: The Keys are given immediately to the Church by Christ;" since, for heresies to prevail, independence is necessary, and they cannot bear with equanimity the legitimate authority which is to oppress them; and hence the errors of Richerius were propagated above others with great zeal by the Jansenians and Quesnellians, a class of men most hostile to Pontifical authority, who so strove as to make the Pope equal with Bishops, Bishops with

presbyters, presbyters with the laity, and so finally force the whole Church under lay dominion, that at last, with the social contract constituted and all power taken away, without a prince, without a law — such is the system vomited forth by hell, to which all things finally tend — everything returns, so that they vindicate authority over the Church to the people, who exercise it through the Pastors by presumed consent at least of the body. Hear that famous saying among the Jansenians of great name Espenius: "However much, he says (Tractat. de censur. cap. II. §1.) the exercise of the keys and the authority depending on it of excommunicating has passed over to the sole ecclesiastical ministers and ecclesiastical judges, and neither the multitude nor the council of any particular Church is sought, nevertheless the very power of the keys principally remains and will remain with the Church, to whom it was given by Christ in the person of Peter and the Apostles and in whose name they exercise it."

About this leader of the Jansenian party a few things from W.T. Backhusius Levaniensis in the work: Acta Z. B. Van Espen... circa Missionem Hollandicam, Mechlin 1827.

Zegerus Bernardus Van Espen, Doctor of Both Laws and Professor of Sacred Canons in the famous University of Louvain, from boyhood in the Pontifical College of Louvain having lived with the famous Doctor Huygenius infected with the taint of Jansenian doctrine during his lifetime, was also most intimate with Quesnellius, and thus most acrimonious himself and patron of the Jansenian faction. He was made also the promoter of the Utrecht schism, and of those who subsequently pursue the Roman Pontiffs with grave hatred and greatly detract from their power he conceded to no one. He placed all his hope for protecting the Jansenian cause in the lay power; for which reason, with ecclesiastical power diminished and suppressed, he was elevating it to the skies by fictitious rights: since the lay power was to be amplified, from the other side they feared it.

To this end Espenius, with great toil, published in 1700 the large volume: Universal Canon Law, in which book he omits nothing by which he might diminish,

arrogate, belittle, make suspect and contemptible the authority of the Roman Pontiffs. The Jansenian sectaries celebrate this work of Espenius most admirably everywhere; but Catholics affirm the greatest part of it was excerpted from the worst books which the Apostolic See had long since proscribed. Whatever Espenius has worthy of praise — and those things which his work commends are mostly taken from the history and knowledge of antiquity, largely extracted from Thomasino On the Old and New Discipline of the Church. This work was condemned by the Apostolic See by special Brief in 1704 and all other works of the same author in 1734.

The same was the scope of his labor in the booklet On Recourse to the Prince — and in the Historical-canonical Treatise on Censures, and On the Promulgation of Ecclesiastical Laws. The author intended to transfer ecclesiastical power to the laity, to constitute laymen as judges of the equity of ecclesiastical censures, and by their patronage to divert all Bulls against Jansenian errors. Did this not also move it, that it was urged by the great contentions of regal necessity? "Therefore I am in no way in doubt," continues Backhusius in the cited work, p. 126, "but that all truly good Catholics, theologians and jurists, those who have maturely weighed these matters with me, will henceforth hear the name of Espenius with execration, and will daily increasingly detest his greater works, which for about fifty years the Jansenian faction alone published in Belgium to foster and preserve the ecclesiastical power." This censure of Espen was also recently brought by the Dogmatic-canonical Dissertation On the Attributes of the Roman Pontifical Primacy, by A. Kempeneers, Louvain 1841.

Even the Most Illustrious French Bishops who issued pastoral instructions cautioned against the impious books of Espenius. Thus, to produce a few things: "Who hearing Espenius praised here," said Cardinal de Byssy in the Pastoral Instruction printed at Paris in 1722, "would not promptly receive him for one of the first class theologians, whose opinion had a venerable authority in the Church? Yet Espenius is not one who knows canon law, who is an expert in the principles of sound doctrine — whom no one ignores is addicted to the faction most disturbing to the Church today." The very book

which is set before us here (Tractatus de promulgatione legum) first appeared in the year 1712 specifically to undermine in advance the Constitution Unigenitus, which was then being coined at Rome by the author. In this tractate the character of the workshop of novelties proceeding from it is immediately known from the palpable zeal, the envy of the Supreme Pontiff to be inflamed and his authority to be brought into contempt.

Then the fates of Espenius most aptly are painted by the Archbishop of Cameracensis and Ebredunensis in their pastoral Instructions, which in 1731 they edited in the Gallic language against him, of whom the former p. 89 says: "To establish the tenets of this sect, forty jurists produced nothing except Espenius, most stubbornly devoted to the Jansenian party, a name to be despised; whose writings, swarming with errors, are publicly proscribed, condemned by the same errors by a sentence through the University of Louvain, deprived of his professorial post and expelled; and suspended also from priestly offices; when he could no longer find asylum among Catholic Belgians, constrained by necessity, he had to seek refuge among his heretics, where also soon in the public schism which he had taken upon himself to defend and in error from which he was unwilling to be led, he died."

The other says: "Espenius the Belgian Canonist, whose famous memory spreads horror among Catholic Belgians, was most addicted to the Jansenian party and errors. In 1725 he published an opuscule composed in the form of letters, which so captured the souls of his own, that it was declared injurious to the Holy See, scandalous, whence the dangers also followed, and that it be publicly torn to pieces. In the year 1728, a sentence was passed on the seventh of February, the author was condemned to retract this dangerous booklet, and at the same time was suspended from sacred and other academic offices. Finally, when he had exhausted all the resources of sniping, to retain possession of the Church in opposing it in his own Catholic fatherland, driven by necessity to seek asylum for heresy elsewhere, he lived in Holland, and there in schism and heresy he breathed his last." But enough of Espenius; seeking more, consult J.C. Deckeri Annotationes... in librum cui titulus: Universal Canon Law. Leod. 1718 — and the

Animadversiones in librum damnatum cui titulus: Tractatus de promulgatione legum eccles. Hasseleti 1716 — and P. Govaerts Opuscula adversus Espenii doctrinam de placeto regio, Lovanii 1830.

As an ally to Espenius we join Ludovicum Ellies Dupinium, whom letters addressed to King Louis XIV from Clement XI call "a man of the most pernicious doctrine" and who was made a defendant of the Apostolic See many times, ordered by the King to go into exile, so that it would not be permitted to injure with impunity, with turbulent intellects and never ceasing devices, both ecclesiastical and regal laws at once. If you desire more on this, consult Carrich on the Power of the Roman Church lib. I. tom. I. cap. I. a. I. §IV and F.A. Zaccariae Antifebron. tom. I. Introduct. cap. VI. §I, where so far J. Frickius the Lutheran praises Dupinium, that he praises him once and again in the work On Ecclesiastical and Temporal Power, He adhered to the principles of the Protestants. Of Dupinium dying moreover I will add what the Author of the Truth of the Council of Burgofontaine, vol. L p. 3. §V pag. 314 reports: "When he was already at the extremity of life, wishing to make greater pronouncements to his masters, and fearing lest, dying in the manner of a Huguenot, he should appear superior, he at first was unwilling to admit the last sacraments, but those Jansenists who surrounded the dying man, sharply admonishing him how much it was in his interest that they be believed still addicted to the Christian religion, and that it would be an injury and dishonor to his eyes to submit to what the whole faction must incur, if it were published that he in this supreme hour had repudiated the sacraments; moved by these important arguments, he was persuaded to follow their admonitions, and to allow himself to be persuaded."

You might call Joannem Launojum the most fertile companion and partner of Dupinium's errors, who therefore appears to have composed various opuscula, so that he might augment the bad and proscribed books. For twenty-eight opuscula, which are related in the index of prohibited books, give patronage to diverse errors of Protestants, Jansenists, and Richerians, as if the heretic were a witness and confessor of Catholic truth. To understand how greatly Launojus labored for the errors of Richerius, it is to be

seen from lib. II. epist. 5. ad Hadrian. Vallantium, where he gathered seventy testimonies from Fathers, Councils, and Scholastics so that, against Bellarminus, he might prove that the keys given to Peter were conferred in the person of the Church, or of the body representing the Church.

When Jansenian heresy was spreading throughout immensely, innumerable writers of that age infected with the novelties itch are found everywhere, who — alas the grief! — study everywhere to restrict and assail the prerogatives of the Church and above all of the Roman See of Peter. It would be infinite if I wished to name all, even of the major name, who were seduced by the misfortune of the time to this end, and to run through their errors. But is any one of these not admonished by the sense of his weakness, to rather follow the doctrine, which the holy Fathers and approved authors, who flourished both in piety toward the Church and in humility, wish to follow, rather than to press upon the footsteps of erring novelty-seekers? But what a sacred hunger for novelties drives mortal hearts!

So that the Jansenian sectaries might elude the Apostolic Bulls, they principally took exception to the Constitution of Alexander VII published in 1656, in which the Supreme Pontiff declares and defines that five propositions extracted from the book of Cornelius Jansenii of Ypres, whose title is Augustinus, are excerpted and damned in the sense of the author — they invented various evasions by which they might cast dust in the eyes of the inexperienced, among which the most powerful they recovered, namely that which even the ancient heretics — the Arians (cfr. Socrates hist. lib. I. cap. 14. pag. 42 edit. Cantabrig. 1720) and Nestorians are said to have usurped — the famous distinction, namely between the question of law and of fact. They said the question of law respects the doctrine condemned, the question of fact respects the attribution of it to the book of Jansenius: the Church can judge concerning the question of law, whether some doctrine is heretical, not however concerning the question of fact, whether the five condemned propositions are contained in the book of Jansenius; they denied them to be contained. The Jansenists therefore expunged that distinction which intercedes between a

pure or merely personal fact, and a fact connected with law or dogma, and dared so far as to deny to the Church herself power concerning the so-called dogmatic facts, as things connected with dogma, such as that, which doctrine in some book however it lies, considered with attention to context, contains the objective sense of the author, by which the author is named, the subjective question of what author intended to have in his mind and what meaning he had in the book not expressed being a merely personal or purely factual thing which needs other arguments. This power of the Church concerning dogmatic facts she has in all past ages, despite the obstruction of heretics, always exercised as divinely handed down to her, discerning good books from bad, salutary pastures from poisonous ones. But if the Church did not have this power, who, resting on the infallible judgment supported by the testimonies of the Fathers — what is found in their complete works from context — could judge the true sense of Sacred Scripture from context? who could have decided the Canon of Sacred Scriptures in Session 4 of the Trent Synod and declared the Vulgate authentic?

These things being most open and manifest to the intellect, who is not amazed that Ludovicum Antonium Muratori, well versed in History and Philology but less expert in theological things, who in lib. I. On the Moderation of Intellect cap. 20 which he edited under the borrowed name of Lamindi Pritanii, should refute this doctrine of the Church concerning dogmatic facts? Would that in this matter he had been moderate with his intellect and that he had not gone beyond those scrupulous ones, whom even the most learned Benedict XIV notes in the apologetic letter for Cardinal H. Norisio given at Rome 31 July 1748, contained in the Supplement to the new edition of the Bullarium of Benedict XIV, volum. 13. edit. Mechlin. 1827. pag. 107: "It will certainly be known to you," he says, "the name of Ludovicus Antonius Muratori still living, the common applause received editor of many books. Oh, how many things worthy of censure are found in them! How many of his trifles do we readers find offensive! How many were offered to us by rivals and accusers! And we so far have abstained and shall abstain from the condemnation of works, taught by the examples of Our Predecessors, who for the

sake of peace and concord ceased from proscribing things which merited proscription, when they judged more evil than good derived from proscription."

Those who desire the doctrine concerning the power of the Church over dogmatic facts set forth copiously and accurately will find it in the distinguished work of Bolgenius printed at Brescia in 1788, with the title: Dogmatic Facts, that is the infallibility of the Church in judging about the good or bad doctrine of books; where also the arguments of the adversaries are abundantly exploded.

Among those who do not fear to adhere to the doctrines of the French Declaration of 1682 reprobated by the Apostolic See, we name both Natalem Alexandrum, and Claudium Fleury, and also Honoratum Tournely. As regards Natalem, he is a strenuous promoter of the opinion of the superiority of the Council over the Roman Pontiff, and so relies on Diss. IV. Saecul. XV and XVI. art. 3.

§3, to show from the decrees of Sessions IV and V of the Council of Constance that the Council acts separately from the Roman Pontiff, and the Pontiff has refused to collaborate with it and to obey its mandates. He interprets the Florentine Decree such that one might affirm that the Roman Pontiff is superior from divine institution to Bishops or Churches taken distributively, but at the same time argues that Bishops or Churches taken collectively or in a Council, whether in a Council or outside a Council, are superior to the Roman Pontiff; indeed that the General Council or the body of Bishops gathered apart from the Roman Pontiff can compel the Pontiff to observing decrees of discipline and even depose him who is reluctant. If you ask from what erroneous principle Natalis descended to these absurdities, adopted it is said under the name of Richerius, Natalis himself not obscurely indicates that the aristocratic basis of his system is the democratic foundation of Richerism. For indeed in Diss. VIII. History of the Church, Saec. XV and XVI, having proved Richerism by many arguments, he finally at n. 54 concludes: "From all these things it is evident that the principle received from Sacred Scripture and Tradition and plainly, frequently, persistently handed down and inculcated by St. Augustine, that the keys given to the whole Church immediately by Christ, the authority

of binding and loosing given to the Sponsor, principally reside in the whole universality of the Church: which is one of the foundations of the opinion which the Church and the Faculty of Paris defends, that the Ecumenical Council is above the Roman Pontiff." So Natalis also offers himself to us as witness, that the Gallican Declaration of 1682 is founded on the Richerius foundation; with good reason therefore this Declaration was reprobated at that time both by the Apostolic See, both Natalis and his works which favor the Jansenian parties in many ways were proscribed and placed in the index of prohibited books; in which works how greatly he attacks the ancient orthodox doctrine on the Pontifical primacy the Annotations and Animadversions of the Lucensian works of Natalis edition inserted Constantine Roncaglia solidly evinced. Wherefore the corrected Lucensian edition, also with excommunication, by the Briefs of Innocent XI on 11 April 1682, after more expressly Alexander VIII Const. Inter Multiplices 4 August 1690 for the rationale of his apostolic office disapproved, rescinded and declared null and void: much more is it required by our pastoral solicitude to reprove and condemn as temerarious, scandalous, and especially after the Decrees of our Predecessors published, most injurious to this Apostolic See, the recent adoption in a Synod of articles so vitiated — as we reprove and condemn it, and wish it to be held as reprobated and condemned."

As regards Claudius Fleury, a writer of Ecclesiastical History, this man has a sufficiently open and exposed malevolent mind toward the Roman Pontiffs and the holy See of Peter. It is primarily the historian's duty to narrate past events or facts worthy of memory, whether past or of his own time, without partiality, nor to admit anything alien, and abridging what is the case, to narrate all with full fidelity. Brief considerations closely tied to the matter, by which the reader is pleasantly and profitably detained, are by no means necessary, but rather are not rare to make the historian suspect of partisan bias. Then it is necessary for the ecclesiastical historian to observe that famous admonition of St. Augustine in epist. 54 to Jan: "If anything is disputed throughout the whole world, the Church cannot tolerate it, since this is the insanity of the most intolerant." But if Claudius Fleury had always heeded these rules, he would without doubt have abstained from many most superfluous and nauseatingly repeated considerations, which really look less to the

supreme promise of the Church of God and the Providence of Justice and Providence — rather they always tend to bite and rail against the Apostolic See and the Supreme Pontiffs, to arrogate and impugn their rights, and when the legitimate authority is abused, the authority itself is shaken. Therefore he is wholly engaged in vindicating his prejudices which so many times by the Apostolic See reprobated Declaration of the Gallicans of 1682 respond wonderfully — and also those of the Jansenian party are patronized. He complains that the discipline of the Church has been changed by the false Isidorian Decretals, that the rights of Bishops and Metropolitans have been diminished, and that appeals to the Roman Pontiff have been introduced. What such considerations mixed in convince of abuses, that the author set about writing history so as to stain the names of the Roman Pontiffs, make their jurisdiction and venerable authority suspect, and loosen the bonds of unity? The machinations and endeavors of Claudius Fleury have already aroused public indignation. Previously against him the pen of men of the greatest name and doctrine was brandished, among whom the illustrious Alphonsus Mazzarelli in the work entitled: "The Good Use of Logic in the Matter of Religion" vol. III. opusc. X. and the illustrious Dr. J. Marchetti, who in an Italian language work composed and translated into the French language according to the 4th edition Venice 1794, with the title: Critique de l'Histoire ecclésiastique de Claude Fleury, Besançon 1829. vol. II. the errors, frauds, and fallacies of this author were carefully exposed, and rightly censured the malevolent work; about which and M. Stevart thus adds a grave censure: "Those twenty volumes of History by the author Claude Fleury, in the judgment of all orthodox theologians, are to be numbered among evil and pernicious books; for they contain injurious blasphemies which the most furious heretics vomited against the Roman Church, the holy Apostolic See, and many Roman Pontiffs; books which might undermine the veneration and obedience which the faithful have hitherto displayed toward the Roman Pontiffs and other Bishops and their decisions, which might detract from the Sacred Relics and Indulgences, might lacerate the ecclesiastical immunity and jurisdiction, and might be addicted only to lovers of new things." It suffices that Luther's Grüber brings testimony about Claudius Fleury, praef. in Inst. Jur. Ecclesiast. autore C. Fleury, that the work was

proscribed by the Decree of 21 April 1698 and listed in the index of prohibited books: "It is full of good fruit; for on the Pontifical primacy he speaks such that he seems more to destroy it than to build it; by no means less than by the witnesses of truth (of the Lutheran Reformation), who have lived in our age, to be cited."

As regards Honoratus Tournely, who otherwise treated many theological matters well, about the two faculties of the Pontifical primacy, which belong to the spiritual governance of the Church and are brought into grave controversy — we do not hesitate to say he is an adversary. The author indeed adhered to those futile and frequently reprobated views, the so-called Gallican liberties, which "versantur," he says in tom. II. de Ecclesia q. V. a. II, in two general headings: First, that the Roman Pontiff can do nothing at all in matters of our kings' temporal affairs; nor can their subjects obey him if perchance he should demand anything contrary to this supreme authority in temporal matters. Second, that although the Supreme Pontiff in spiritual matters is supreme, yet his absolutely unlimited power has no place among us, but is restricted and constrained by ancient rules and approved canons and confirmed by us. And in this above all consists the Liberty of the Gallican Church, said the University of Paris, when it interceded lest Bulls, by which Cardinal d'Amboise Legate among the Gauls was nominated, be received.

The same Faculty (Parisian) declared in 1663 in six articles the rights of Empire and liberties of the Gallican Church were to be preserved:

4. "It is not the doctrine of the Faculty to approve or ever to have approved any propositions contrary to the most Christian King's authority, or to the legitimate liberties of the Gallican Church and received canons in the kingdom: v.g. that the Supreme Pontiff could depose Bishops against those very canons."

5. "It is not the doctrine of the Faculty that the Supreme Pontiff is above the Ecumenical Council."

6. "It is not the doctrine of the Faculty that the Supreme Pontiff without the consensus of the Church is infallible."

"By royal command" this Declaration of the Sacred Faculty was inscribed in the public tables of all tribunals, and by the Decree of the supreme Senate of Paris given 30 May 1633, an inhibition was made to all Masters and Bachelors, that they should not dare to impugn or reject any of the aforesaid articles." These are the words of Tournelius.

These things being so, who will wonder at Honoratus Tournely, a Doctor of the Faculty of Paris and for twenty-four years public Professor in the same place, being entangled with those spurious liberties which are proposed in the famous Declaration of 1682? What happened—that although he otherwise discussed theological matters very competently, he was captured and held fast? A. Kempeneers, in his 1841 Louvain dissertation *On the Primacy of the Roman Pontiff and Its Attributes*, wrote on page 19: 'I have never said the illustrious doctrine of Germany is that which Launoy, Dupin, Maimbourg, Fleury, Tournely, Natalis Alexander, Hoocke, and the Jansenist followers teach. Note that these Doctors openly confess the aristocratic foundation of their system is Richerist democracy.'

I shall now cite Tournely's words: 'Formal jurisdiction,' he says, 'belongs to the whole society collectively in its source, origin, and root; however, its execution and use belong to the principal members of this society. Therefore, what is specifically given to Peter is the power of the keys or jurisdiction in both the interior and exterior forums for the use and ministry of the Church, but the Church itself is the true origin and root.' Does Richer say anything clearer?

So says A. Kempeneers in the place cited. Indeed, Tournely, in volume two of *On the Church*, cites the words of Pierre d'Ailly without disapproval, saying: '**The fullness of power is in the Pope as the subject who receives and ministerially exercises it; it is in the universal Church as the object that causes and contains the cause, and finally preserves it.**'

Moreover, I certainly concede that Tournely explicitly teaches—as a matter altogether certain and settled among Catholics—that the governance of the Church is not granted to

the Christian crowd or the multitude, and no role is assigned to the people other than to obey. He maintains that Peter, as Head and representative of the Church, received the keys immediately from Christ, including the right of honor and jurisdiction. However, since this primacy is a ministerial rather than an absolute power, it must be exercised according to the fixed laws of Scripture and established canonical rules.

Tournely argues that Peter represented the authority of the whole Church in receiving this power, but not in the authority itself by which he would pronounce supreme and infallible judgment. He asserts that the Supreme Pontiff is the true and proper visible Head of the Church, not merely a symbolic figure as Richer claimed. While he might be called a 'ministerial head'—accidental rather than necessary in the sense that the office can be vacant through death or abdication—he is nonetheless called the essential and necessary Head. Just as the public ministry of the Church can never be lacking, neither can the Pontiff, who is the head of the entire administration.

Indeed, even where Tournely establishes the jurisdictional primacy of the Roman Pontiff, he never mentions his absolute rule over the universal Church. Instead, he always subjects the Supreme Pontiff to the canons of the Church and constrains the Pope's jurisdiction within the 'Gallican liberties' favored by the French.

Hence these Gallican theologians, who argue for the aristocracy (episcopal system) supreme with monarchy — while among themselves they dispute about foundations and principles and while they have agreed thus among themselves — while the things spoken by them about the Roman Pontiff are less clear and do not cohere among themselves.

Since then the Gallican theologians argue for aristocracy (episcopal system) supreme at the same time with monarchy — since they among themselves dispute about principles and foundations — and while among themselves they have agreed thus — what is said about the Roman Pontiff among them is less clear and does not cohere among themselves.

It remains to speak of Febronius—the pseudonym used by Nikolaus von Hontheim, formerly Bishop of Myriophytos and Suffragan of Trier. His impious work was proscribed by decrees on February 27, 1764, February 3, 1766, and March 3, 1773, and placed on the index of prohibited books. He revived the democratic principles of Richerism and, alongside the Gallicans, fostered a supreme aristocracy derived from them. By stripping the Roman Pontiff of jurisdictional primacy over the universal Church, he left him only a directive authority and the power of inspection over individual churches. For convenience, he arbitrarily divided jurisdictional rights into 'essentials' and 'accidents' (or false Isidorian acquisitions), reducing them merely to vigilance and oversight.

According to Febronius, although legislative power regarding the universal Church resides in the Church alone, the Pope can only convene general Councils with great difficulty. Any laws the Pope proposes for the whole Church have no force until they are accepted by common consensus. He may issue definitions on faith and morals, which must be obeyed provisionally unless the Church objects. In general laws, he can only grant dispensations based on the presumed consent of a Council, or in cases where the Council itself would do so. Febronius teaches that Bishops assembled in a general council are the judges of all ecclesiastical controversies and even of the persons of the Roman Pontiffs, should they sin in faith, office, or morals. Regarding the authority of individual Bishops, he teaches that by Christ's institution, all Bishops possess equal authority and universal jurisdiction—just as the Apostles did throughout the whole Church. For the sake of orderly administration, this is limited to a specific diocese and exercised according to the canons; however, in extraordinary circumstances, it extends to the entire Church.

F. A. Zaccaria accurately exposed the Febronian system in his *Antifebronius Vindicated* (Part 1, Chapter 2). In developing this system, Hontheim had various collaborators of the same low character, principally Georg Christoph Neller, a Professor of Sacred Canons at the Academy of Trier, whom heretics praised for his help in compiling these works.

These Trier editors gathered ideas from the worst books, including the apostate Marco Antonio de Dominis, Melanchthon, and other heretics. They also drew upon Pierre d'Ailly and his disciple Jean Gerson, Tostatus of Avila, and Nicholas of Cusa, eagerly seizing upon anything these authors wrote rashly or preposterously. Above all, they gathered material from Edmond Richer, Paolo Sarpi, Jean Launoy, Louis Ellies Du Pin, Natalis Alexander, and Claude Fleury. The Febronians regard these men as their greatest masters—preferring them to the Scholastic doctors who are the true columns of the Church—and with their help, they plot to dethrone the Supreme Pontiff from the pinnacle of power where Christ placed him as the legitimate successor of Peter. These efforts embolden all who would wickedly attack the Holy See. But they beat against an unshaken stone! They only confound themselves by fleeing to the oracles of a fallen cause.

Febronius was solidly refuted by F. A. Zaccaria in the work entitled: Antifebronius, and Antifebronius Vindicatus, and not less by our author Petrus Ballerinius. Moreover Myriophytanus in 1778 sang a palinode, in which among other things he professes that "the keys were granted to Christ and to one Peter and to the Unity; that is, given to one Peter, insofar as he received the primacy and governing power from the Lord, and the same person is the Rector and Moderator of the whole Church as the most supreme after Christ and under Christ; the keys were also given to the Unity, or for the good of Unity and to Peter principally and to the other Apostles and their Successors, Bishops, with the people excluded, but with dependence and subordination on Peter himself, to whom alone they were communicated to communicate to the others. The Church is not a college but a society, in which the baptized faithful from the institution of Christ live under the governance of legitimate Pastors, and principally of the Supreme Pontiff, and the power of whose governance constituted by Christ imposes a true obligation of submission and obedience on the multitude or universality. The Son of God, while wishing to found his Church and wishing it to be one, ordained and established for it this primacy in the unity and willed it to Peter. He does not have the

inheritance of Peter, who tears apart the See of Peter by impious division; since where Peter is, there the Church is: Peter who received the faith of the Church (the Apostles as subordinate to the Head) in his own faith; the same Peter, in whom the excellent grace of primacy preeminence, even the care of the Apostles themselves was from Christ committed; he is the One and Prince of the Apostolic college.

"This primacy (which is not merely of order, inspection and direction, but of true authority and jurisdiction), since not less than unity itself, for whose conservation and governance it was established, must be perpetual, it has passed by divine right to the successors of Peter in the Apostolic See, so that in no way it can be transferred from the Roman See to another See: to this Church one must come because of its more eminent principality, the whole Church, that is all who everywhere are faithful; from which, as Boniface I testifies, whoever withdraws from it, is made an exile from the Christian Religion. To the Roman Pontiff in Blessed Peter the full power of feeding, governing and guiding the universal Church was given by Our Lord Jesus Christ. Just as the power of feeding and governing cannot subsist without convenient authority, jurisdiction, and cooperation, so such emanating from Christ in the Roman Pontiff, as the universal Head of the Church, the Prince and Master remains."

"That the Roman Pontiff is the supreme judge of controversies in matters of faith and morals, from whom it is not permitted to appeal; that it cannot happen that the body of Bishops, who adhere to their Head, the Roman Pontiff, err; since the heresy of Luther was before the Trent Council irrevocably condemned by the Church under the preceding Pontiff, by his final oracle; indeed that the Church united with her Head either dispersed throughout the whole world or gathered in General Councils (in which Bishops by their own proper and judicial authority from the institution of Christ cohere and together with the Supreme Pontiff define) cannot err in the aforesaid cases of defining, nor can it depart from that Cathedra, from which, as Cyprian testifies, perfidy cannot approach; and in which, B. Petrus persevering in the accepted strength of the Rock, does not abandon the governance of the Church, nor ceases to speak through his Successors."

"That the authority granted by Christ to the Church to judge concerning the sense or doctrine of propositions, books and authors, and to compel the faithful to subscribe to her sentence; that these are therefore bound to acquiesce to her in internal assent of mind and judgment, not only with religious, as they say, silence; and that such judgment can by no means be obnoxious to error."

"That the right of deciding, directing, and confirming Universal Councils belongs to the Roman Pontiff by divine right, and that they obtain by his concourse full firmness and infallibility independently of any other acceptance. That to the Supreme Pontiff properly and originally and by divine right belongs the power of reserving some of the graver cases of crimes to his own particular judgment; that the same Pontiff therefore has and rightfully exercises the power of dispensing in the universal Church from legitimate cause in a law passed by a general Council."

These are almost the principal things of this retraction, whose complete acts are attached to the recent (1844) edition of Cardinal Litta's epistles.

The battles of the schismatic Synod of Pistoia, renewed by Febronius against the Roman See of Peter, the diocesan Synod of Pistoia, which Scipio de Ricciis, Bishop of Pistoia and Prato presided over in 1786, continued with all ardor. The errors of this Synod Pius VI reduced to 85 propositions and condemned, the letters published on 28 August 1794: Auctorem Fidei. The propositions relating to our matter II and III we have already brought forward above; to which we add VI, VIII, and XI, since they clearly respond to the principles established by Febronius.

Prop. VI. "The doctrine of the Synod, by which it professes, persuaded that it was so, that Bishops received from Christ all rights necessary for the good governance of their diocese;" — as if for the good governance of any diocese the superior ordinances are not necessary regarding either faith and morals, or the general discipline, of which the right is with the Supreme Pontiffs and General Councils for the universal Church — schismatic, to say nothing more erroneous."

Prop. VIII. "Furthermore, what it established, that the rights of the Bishop accepted from J. C. for governing the Church can be neither changed nor impeded; and wherever the exercise of these rights has been interrupted from any cause, the Bishop always can and must return to his original rights, as often as the greater good of his Church demands;" — in that it suggests that the exercise of Episcopal rights can be impeded and coerced by no superior authority, whenever the Bishop judges by his own judgment that this id less expedient for the greater good of his Church — inducing in schism and subversion of hierarchical governance — erroneous."

Prop. XI. "The sentence enunciating that it was received from the old institute led from the Apostolic times, preserved through the better ages of the Church, that decrees or definitions or sentences even of the greater Sees should not be accepted unless recognized and approved by a diocesan synod —" false, rash, derogating from the due obedience to the Apostolic constitutions, both and to the sentences from the hierarchical superior legitimate power emanating, fostering schism and heresy."

To these we add the full grave censure, by which Pius VI punishes the Pistorian Synod, which "formerly," he says, "reprobated by the Apostolic See, the Gallican convention of the Declaration of 1682 dared not only to adorn with the most ample praises, but so that it might confer greater authority upon it, to insert it insidiously into the Decree on faith, to adopt openly the articles contained in it, and to bind them in public and solemn profession those things scattered through this very Decree. What indeed much graver presents itself to Us not only about the Synod, which there should be to Our Predecessors about expostulating the ratio of convening those assemblies, but also that the Gallican Church herself is not lightly injured, which the Synod judged worthy to be called into its patronage of errors, by which that is contaminated Decree. As for the matter, Pius continues, which the acts of the Gallican convention immediately produced, Our venerable Predecessor Ven. Innocentius XI by letters in the form of a Brief on 11 April 1682, after more expressly Alexander VIII Const. Inter Multiplices on 4 August 1690 for the rationale of his apostolic office disapproved, rescinded, declared null and

void: much more is it required by our pastoral solicitude to reprove and condemn as temerarious, scandalous, and especially after the Decrees of our Predecessors published, most injurious to this Apostolic See, the recent adoption in a Synod of articles so vitiated — as we reprove and condemn it, and wish it to be held as reprobated and condemned."

These things being so, who then dares to imitate the Pistorians and to praise, adopt, and embrace that Declaration, and as if the articles of the reprobated Declaration could be freely disputed in relation to both sides? Who does not rather embrace with humble submission and follow the venerable voice of the Supreme Pastor, so careful, so concerned, that he might keep lambs and sheep from poisonous pastures? Of Febronius and Pistorians similar followers the so-called Josephine era of new things thus most fertile against the Cathedra of Peter produced. That offspring was, which nothing did not try by which it might vex and assail the See of Peter and strip it with authority of preeminence. To name them all, I mention Eybelium, a man of sharp intellect, who published a booklet, with the title: What is the Pope? which brought nothing of moment, beyond a somewhat more petulant quality (the words are of Pius VI) to be re-weaving old calumnies: "every Bishop called by God to the governance of the Church is no less than the Pope, endowed with no lesser power; Christ having granted the same power through the Apostles to all equally.... Wishing Christ that the Church be administered after the manner of a republic: and of which for the good of unity one needs a president, who however does not hear those of others who rule at the same time; the privilege of primacy to be contained in this prerogative of supplying for the neglect of others, of looking to the conservation of unity by exhortations and example. Pontiffs can do nothing in foreign dioceses except in extraordinary case; the Pontiff to be the Head, which holds its force and firmness from the Church. Pontiffs have licitly done violating the rights of Bishops etc." These things are what the impious are set forth in that book, which Pius VI by letters given 28 November 1786 "Super Soliditate" condemned, and which Mamachius solidly refuted: "Le lettere di pisto Aletino," 1790 in II vol. and the illustrious Gerdi: "Confutasione di due libelli," 1789. II vol.

To this epoch belong those dire things, which no one does not know, the attempts of the Emsan Punctators against the See of Peter. The year was running 1786, from the birth of Christ, when those four Archbishops, of Moguntinus, Trevirensis, Coloniensis, and Salisburgensis, who had already in 1769 when the officials of those same Archprelates gathered at Confluentia made grievances, and to the Emperor, whose sense had been gathered from several indications, presented them, whose sentence was: "that the causes of appeals should no longer reach the Roman See or the Nuntio by the accustomed manner, but that all at the same time jurisdiction of legates in Germany should cease," and finally the elected servants of curialists for deliberation "not in the Church of God" (as the author of the work says: Quis est Petrus? Ratisbonae 1790. pag. 433), "But in the Bad Ems bathhouse, where various agents met, those four Prelates transformed themselves into four Popes entirely independent of the Roman See. There, the schism was completed and all relation to the Head of the Church was formally abolished. In that place, discipline was destroyed from its foundation, and the entire hierarchy was shattered by a single stroke." Having broken off suddenly all communication with the Roman Pontiff, the liberty of recourse to the Apostolic See is cut off, the Pontifical constitutions, unless approved by Bishops and the civil State, all the power of obligation is taken away, and by the Bishops per se unlimited power is asserted in general laws also of dispensing. That you may not think this to exceed the truth, the first of the Punctuations, from which you easily know the remaining ones, it suffices that we propose the proposition, whose sentence is: "Christ, the founder of our Church, the Apostles, the successors of these, Bishops, has given unlimited power of binding and loosing for all those cases, wherever the necessity or utility of the Churches or of the faithful pertaining to them demands."

In these 23 articles, the so-called Emsan Bath, concentrated their hatred and rivalry against the holy Cathedra of Peter, from domestic made adversaries, which however at that time, with Providence of God so disposing, then the Elector of the house of Bavaria animated by the piety of his ancestors, then the Most Serene King of Prussia, to whom the episcopal invasions in alien rights seemed, most friendly to the Roman

Pontiff exhibited themselves. Pius VI animadverted gravely upon those articles, and not only reproved them but most fully refuted them, issued to the four aforesaid Metropolitans the Response printed in Rome in 1789.

Indeed many writers of that time remain famous for rewinding old errors, whom we abstain from naming, but Peter that Tamburinum, most addicted to the footsteps of heretics and innovators, we cannot pass by in utter silence. This man spared nothing which, if it could be done, would extirpate all the power of the primacy of the Roman Pontiffs, as in the most erudite work, with the title: The Triumph of the Holy See and the Church, to refute primarily this Peter Tamburinum, the late Gregorius Pope XVI, part II. cap. IX. pag. 263. edit. Ratisbon. 1833, long before he was elected the Supreme Pontiff, expressly observes. To this end Tamburinus and his followers affirm that the primacy of the Roman Pontiff is not episcopal power, but the species and rights of metropolitan and patriarchal jurisdiction, with only the added right of representing the universal Church, and of procuring throughout the whole world the purity of faith, vigor of morals and discipline principally through the convocation of Councils, as by l. c. cap. VI. pag. 215 is observed. See also the illustrious J. Perrone S.J. Praelect. Theol. tom. VIII. cap. III. §602.; And in this, Tamburini surpassed even Febronius who however grants to the Roman Pontiff the right of representing the universal Church, when this however is solely for the oecumenical Council. The various works of Tamburini were proscribed and placed in the index of prohibited books by the Decrees of 5 Feb. and 2 August 1790, 11 Jan. 1796, and 6 Sept. 1819.

The countless crowd of these errors was being followed infinitely from the multitude, so that — and the words are already cited in the opuscule: Quis est Petrus? — we run out into the 18th century, that if any still survive to posterity, it would bring perpetual infamy upon their execration. Not one manufacturer of false merchandise exists today who hears Isidorus; but the Bonnensians from the workshop deliver already what they say a thousand impostors. This however did not diminish the evil, but rather increased the number of erring ones day by day — who verily also dictate and scribble,

that the body of the Apostles separated from Peter, and the body of Bishops separated from the Roman Pontiff both possess supreme authority and jurisdiction: to Peter some rights were given for certain ends, that is to more easily follow those fixed ends, whence in the Church a certain divine law monarchy, but only a provisional and subordinated jurisdiction. Then those limits and these primacy rights in the camps of Febronius militants others differently define by their own arbitrament and divide into classes, and the genuine primacy rights, which can only be discerned by the observance of the earliest ages of the Church, are treated as accessories, seized by injury and therefore to be extinguished, and as it were from a tripod they discern; others diminish all ecclesiastical power against the laity, so that they ascribe it to the lay power; and therefore even the age in which we live "is vexed chiefly" (Encyclica epist. Pii VIII. 24 Maii 1829) that "the Roman See of Beatissimus Peter in which Christ placed the firmament of the Church, and the bonds of unity are daily gradually broken."

From these things then which we have recounted, it is evident what evils we lament, a few ages from France arising — which is not without disgrace of that nation, yet can be recalled about the Church most meritorious — otherwise exacerbated by minds, as is wont to happen among mortals, and the comment of liberty, which brought much annoyance and evil beyond what it was worth, to studies. In this against the ancient faith of the Fathers, as The Most Illustrious Petitdidier demonstrated, the rights of the Supreme Pontiff, unanimously before recognized and venerated, first by some were restricted and denied. The pristine praise of our fidelity of Germany nearly to the end of the last century remained unmoved; then finally counsels among us changed, and talk of the supreme authority and infallibility of the Pope began; and the ancient doctrine handed down by the Fathers was now by openly false fronts argued, and with insults indeed of the so-called ultramontane foolishness ridiculed. What happened — that with the ramparts of antiquity once rashly broken and the most sacred and divine rights of the Apostolic See violated, while the Gauls in the meantime taught by hard experience, learned by experience better things, they carefully retracted their foot from the path of error, and in the sole ship of Peter sought salvation for themselves from shipwreck.

Which is above all to be deplored in our days, to continue the words of the cited opuscule Quis est Petrus? pag. 2, that the most sublime dogmas of the divine Religion are often handled in the vernacular tongue because of the licentiousness of our age for writing; our writers, not rarely ignorant of theological things, and utterly ignorant even of principles, even with some reading of some ecclesiastical matter not sufficiently matured, are animated to take up the pen with unskilled hand — by which most gravely against the Christian faith errors either by themselves through the whole world are spread. Hence indeed to our age most lethal wounds are inflicted — manifestly evidenced — that ignorant novelty lovers and students of new things dare censure with a censor nose the most sacred rights of the Church without causing hesitation, while at the same time they neglect the authority of the divine word and the testimonies of the Holy Fathers, and little value ancient documents, or pervert them in an alien sense in the manner of cavillers.

Those who thus grievously attack, carve, vellicate, and sting the Roman See of Peter — in all these it seems to me that they sin for this reason, that led by reason they wish to construct the Church to themselves, to constitute it by ratiocinations, and to interpret Sacred Scripture texts which they interpret at their pleasure, and distort facts which in an alien sense they distort, to temper it, or rather to compose it at their pleasure. Since about the positive and voluntary society of Christ, from which all, and without which no power granted in the Church, nothing can be more absurd than if miserable mortals arrogate to themselves the circumscription of the ambit and the form and reason of that divine edifice, which the immaculate Lamb, Christ Jesus, already built and acquired for Himself the inviolate Spouse with His own blood. It is of our mortals, not to build the Church, but to believe the Church built by Christ on Peter; not to circumscribe the reason and form of it, but to recognize it circumscribed from Sacred Scripture and the Fathers, and above all from the testimony of the Church itself, and to listen to it in what is the head of things and to follow it.

"This Sacrament of the office — to use the words of St. Leo the Great (epist. 89. ad Episcopos per Viennensem provinciam constitutos) — the Lord so wished to pertain to

the office of all the Apostles, that he placed it principally in the most Blessed Peter, the chief of all Apostles; so that from him as from a certain head his gifts might be diffused into the whole body; so that one who had dared to recede from the solidity of Peter might understand himself to be outside the divine mystery. Whoever thinks it proper to derogate from the primacy of Peter, can by no means diminish his dignity, but puffed up with the spirit of his own pride plunges himself into hell."

Dedicated on the Feast of the Cathedra of St. Peter the Roman, sacred 1847.

E. W. WESTHOFF, PARISH PRIEST.

AUTHOR'S PREFACE TO THE READER

The reason why the refutation of the Febronian work, by which Pontifical authority is assailed under many names, has been delayed so long is not obscure to assign. Since the whole work of Febronius rests on false principles; unless the falsity of those principles were first detected and contrary principles aptly established; the whole labor of refutation would have been utterly vain and useless. First of all it was necessary to explain the nature and account of the Pontifical primacy, from which all Pontifical authority derives, and the chief prerogative of the primacy in matters of faith — that is the infallibility of dogmatic definitions — which is brought into great controversy by the Catholic adversaries, had to be deduced from the nature and purpose of the primacy and from the principles which the same adversaries concede; so that those who concede the principles may not be able to cohere in refusing the consequences. Whether this has been suitably done in the book published two years ago under the title On the Force and Nature of the Primacy of the Roman Pontiffs and on Their Infallibility in Defining Controversies of Faith, the reader not prejudiced will judge. Second, the Pontifical Power compared with the power of the General Councils needed to be explained — a faculty which is not solely about one faith but encompasses also the matter of discipline — and in this matter much needed to be discussed about the jurisdiction of Bishops and Metropolitans, and the origin and propagation of their jurisdictions, and about the most famous decrees of the Council of Constance, which demanded long meditation and disputation. This is the argument of the work which will presently be offered to the reader inscribed: On the Ecclesiastical Power of the Supreme Pontiffs and General Councils. With these principles premised and established, a briefer and more evident refutation of Febronius will be presented under this title: Vindication of Pontifical Authority against the Work of Justin Febronius. There will finally be added an Appendix on Pontifical Infallibility in Dogmatic Definitions, which will supply some things not a few useful, or even necessary, in this matter. Thus for one, three works come forth.

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ON THE ECCLESIASTICAL POWER OF THE SUPREME PONTIFFS AND GENERAL COUNCILS

AUTHOR'S PREFACE

1. In the preface of the preceding work inscribed, On the Force and Nature of the Primacy of the Roman Pontiffs and on Their Infallibility in Defining Controversies of Faith, a singular book, wherein I explained and established both from the principles conceded by the Catholic adversaries themselves against whom I undertook to act, I recall not having promised elsewhere that I would dispute about the Pontifical power compared with the power of the ecumenical council: for which question is so greatly agitated among Catholic Theologians, both whether the Roman Pontiff by reason of the primacy holds right and power above the general councils themselves, and whether the general council by right and power is above the Supreme Pontiff. Now I willingly discharge my promise. The Catholic adversaries, with whom the discussion is not less in this than in the preceding work, while they contend that the councils have power over the Supreme Pontiffs, not particular councils, but general councils alone claim this prerogative. They freely confess, indeed, that other councils, which are not ecumenical, assembled from one or more provinces and from several provinces, do not represent the universal Church, nor contain the jurisdiction of the whole Church, from universal law of the primacy they acknowledge a superior; since no inferior has a right over his superior, nor can have it.

2. Nor can those who in this matter follow the Fathers of the Constantian Synod think otherwise; for they from one side from general councils alone which represent the universal Church assert the right over the Supreme Pontiffs, then from the other side by act VIII. the proposition 41 of John Wicleff, It is not necessary for salvation to believe the Roman Church to be the supreme Church among other churches, was censured as erroneous — insofar as it denies the primacy of the Supreme Pontiff over other particular churches. The primacy which from Catholic doctrine is to be attributed to the Roman Church, and to the Roman Pontiff presiding there, is not one of mere order and honor, but of chief jurisdiction, proper and personal of Peter alone and his successors, as is proven

in the preceding book (On the Force of the Primacy cc. 2 and 3.), also to Catholic adversaries conceding, was proven. On the primacy of jurisdiction therefore the words of the Constantian Fathers must be received in that censure, so that they affixed the note of error to the Wiclevian proposition 41, insofar as it denied to the Supreme Pontiffs the primacy of jurisdiction, or proper jurisdiction, over other particular Churches. Hence the Gallicans themselves with Gerson taking this Constantian censure, as Bossuet (lib. 5. al. 9. Defens. declarat. Gallic. c. 15. t. 1, p. 416. novis. edit.) notices: insofar as particular Churches... submitted to the Pontiff; and adds that the Gallicans with Gerson took that, granting indeed the supreme and full power of the Pontiff, but in Communion — that is, the Pontiff does not have it except in communion with, and so he exercises it with them, and in them to be contained.

These differences and difficulties among the Catholic adversaries show sufficiently that there is not among them a fixed and settled authority, so that any serious Catholic might follow it, and who, while he follows this theologian in matters concerning the Church, Councils, and Roman Pontiffs as though a master, the Catholic adversaries lead toward what has been said.

CHAPTER I

On the Origin of Ecclesiastical Jurisdiction, and on the Distinction of Rights among St. Peter and the Other Apostles and Their Successors, who are Distinguished in the Various Grades of Bishops

§I. Ecclesiastical Jurisdiction was conferred immediately by Christ on Peter and the Apostles

The point of ecclesiastical jurisdiction was conferred by Christ immediately upon Peter and the Apostles — not upon the Church as the immediate recipient, as if Peter and the Apostles received it from the Church, as a mere exercise of ministry. This principle is clear from the sacred scriptures and the constant tradition of the Church. Christ said to Peter alone: "Feed my lambs, feed my sheep" (John 21:15-17), conferring upon him the full power of governing the entire flock. To all the Apostles he said: "As the Father sent me, even so I send you" (John 20:21), and "Whatever you bind on earth shall be bound in heaven" (Matthew 18:18). These texts unmistakably show that the power was given to Peter and the Apostles directly by Christ, not mediated through the Church.

Those who assert that jurisdiction first resided in the Church and was communicated to the ministers through the Church err in this fundamental point. The power of the keys — the authority to bind and loose, to teach with authority, to administer the sacraments, and to govern — was established by Christ in Peter and the Apostles as the legitimate channels of grace and authority in His Church. This is not to diminish the dignity of the whole people of God, but rather to establish the proper order by which Christ wills to govern His Church through the ministry He himself instituted.

§II. That the same jurisdiction immediately given to Peter and the Apostles for the good of the Church was not to be extinguished with Peter and the Apostles, but was to pass into successors and to remain there equally and immediately until the end of the age

— just as the Church herself must remain to the end of the age — for whose governance it was instituted by Christ. This is manifest from the very purpose for which the power was given. If the ecclesiastical jurisdiction had been intended only for the lifetime of the Apostles, Christ would have arranged the matter differently. But since the Church must continue until the consummation of the age, and the Church needs governance, the power of governing was ordained by Christ to be perpetual, passing to legitimate successors. It is therefore an error to claim that the Apostolic jurisdiction was merely personal and non-transferable.

§III. The proper jurisdiction of St. Peter by reason of the primacy was singular and personal in such a way that with the same power otherwise equal to all the Apostles he preeminent not merely in order and honor, but in what was peculiar to the very Apostles, not distributively alone but even collectively taken in custody of unity. The same right fully belongs to the Roman Pontiffs, the successors of S. Peter, by the same reason of the primacy, on account of the same good of unity, by right of succession.

This is the Catholic and constant teaching: that Peter received from Christ a special preeminence not merely of honor but of real jurisdiction over the whole Church, including over the other Apostles collectively. He was appointed the Rock upon which the Church is built; he received the keys of the kingdom of heaven; he was commissioned to feed the lambs and sheep of Christ. These three texts together — the promise in Matthew 16, the commission in Matthew 18, and the appointment in John 21 — constitute the full and unambiguous evidence of Peter's primacy in jurisdiction, not merely in honor.

§IV. In the successors of the Apostles, namely the Bishops, there did not pass the altogether same right of the Apostles. The right which in the beginning belonged to the Apostles for the universal Church was extraordinary and did not pass to Bishops their successors; in St. Peter alone it was ordinary by reason of the primacy, and therefore belongs to the Roman Pontiffs as his heirs by ordinary right. No Bishop except the successors of St. Peter has jurisdiction over other Bishops as successors of the Apostles

from divine institution, but only by Ecclesiastical law — to which this Ecclesiastical institution was attributed — yet in such a way that all with the successors of St. Peter conspire in the good of unity; and nothing of this Ecclesiastical institution can prejudice the right of St. Peter and of his successor, which is of divine institution.

§V. The jurisdiction of Bishops, though it is of divine institution, is yet subject to the right of the Roman Pontiffs, so that the Episcopal faculties for the good of the Church may be limited and restricted in their use and exercise by these. For just as a subordinate, while possessing real authority, must exercise it in accordance with the directive authority of his superior, so the Bishops, while genuinely possessing the fullness of the priestly order and a true pastoral jurisdiction by divine institution, must exercise that jurisdiction in communion with and in obedience to the Roman Pontiff, who has received from Christ the supreme governing authority over the whole Church.

§VI. This limitation and restriction, though it touches upon the faculties of Bishops which are in origin of divine right, must be referred to the matter of discipline and to Ecclesiastical law. For the substance of episcopal power — the power to offer the Eucharist, to confirm, to ordain, to govern the faithful — is of divine right and cannot be abrogated by any human authority. But the exercise and extent of that power, the territorial boundaries of episcopal jurisdiction, the specific manner of its administration: these belong to the domain of ecclesiastical discipline which the Church, and especially the Roman Pontiff as the supreme legislator, can regulate for the good of the whole body.

CHAPTER II

On the Right of the Roman Pontiffs and General Councils — Which of the Two Prevails in Matters of Faith

§I. Whether, if the Roman Pontifical definition has preceded the General Council itself, it compels the Fathers of the Council, so that they cannot dissent from it; and to what extent the Bishops who are judges in the Councils must present unity and consensus to the same definition. This question is closely tied to the entire controversy about whether the General Council is above the Pope or whether the Pope is above the General Council. If the Pope's solemn definition of a matter of faith is binding even upon the assembled Fathers of a General Council — such that they cannot legitimately dissent — then the Pope is indeed above the Council in matters of faith. If on the other hand the assembled Council can override or annul a prior Pontifical definition, then the Council would be above the Pope.

The answer is clear from both reason and tradition. The Pope, as the legitimate successor of Peter and as the Vicar of Christ on earth endowed with the fullness of the apostolic power, possesses the authority to define matters of faith in a manner binding upon the whole Church — including the assembled Fathers of a Council. This is not a usurpation but the proper exercise of the authority Christ gave to Peter: "Whatever you bind on earth shall be bound in heaven." A Council, conversely, does not possess a power superior to the Pope, for no inferior can sit in judgment over his superior.

The Fathers of a General Council, when they assemble, do so in communion with and under the presidency of the Roman Pontiff or his legates. Their definitions receive their definitive character and their force as expressions of the faith of the universal Church precisely in and through their union with the head of the Church. A council assembled in opposition to the Pope, or whose definitions the Pope refuses to confirm,

cannot be regarded as a truly ecumenical council in the proper sense, and its acts have no definitive force.

§II. What is to be said when no Pontifical definition preceded the General Council. When the Pope has not yet issued a formal definition of a disputed question of faith, the Council possesses the authority to examine, deliberate, and ultimately define, but it does so in union with the Pope and under his presidency. The Council in such circumstances is not exercising an authority superior to the Pope's; rather, it is the instrument through which the Pope, in union with the episcopate, exercises the supreme teaching authority of the Church. The Council's definition becomes definitive and binding upon the whole Church precisely through its acceptance and promulgation by the Pope.

This understanding is consonant with the constant practice of the Church from the very beginning. It was the practice that the great doctrinal controversies — Arianism, Nestorianism, Eutychianism, and others — were ultimately resolved not simply by the gathering of Councils but by the reception and confirmation of conciliar decisions by the Roman See. When the Council of Chalcedon proclaimed its definition, the assembled Fathers cried out: "Peter has spoken through Leo!" — acknowledging that the voice of the Council was the voice of Peter's successor.

CHAPTER III

On the Right of the Supreme Pontiffs and General Councils in Matters of Discipline

§I. On the Canons of discipline edited in a General Council, to which the consent or confirmation of the Supreme Pontiffs has accrued. These canons themselves must be observed not by the right of those canons, but by the higher natural and divine law, by which the same Pontiffs are bound. This is a distinction of great importance for understanding the true nature of the Pope's relationship to conciliar legislation. The canonical decrees of a General Council, once they have received the approval and confirmation of the Pope, become part of the universal law of the Church. The Pope himself is bound to observe these canons — not because the Council that enacted them is above him, but because the natural and divine law which is the higher source of all ecclesiastical legislation binds all members of the Church, the Pope included.

§II. Moreover, to this higher natural and divine law for the execution and observance of discipline canons, as long as they remain in effect, the Supreme Pontiffs are bound, so that though they can by their supreme power dispense in them or even sometimes restrict or change them — they cannot however do so licitly without legitimate cause. Here we see the proper balance: the Pope has supreme legislative authority in the Church and therefore, in principle, can modify, dispense from, or even abrogate the disciplinary canons enacted by General Councils. But this authority must be exercised in accordance with the natural law and the divine law, which bind the Pope just as they bind all other members of the Church. To use supreme power without legitimate cause, arbitrarily or capriciously, would be an abuse — though the acts would remain valid even if done without just cause.

§III. The calumny which exposes the Apostolic authority to the hatred and envy of many, refuted. There are those who allege that the supreme power of the Roman Pontiff, being unlimited in ecclesiastical matters, tends toward a kind of spiritual despotism

inimical to the rights of Bishops and the proper governance of particular Churches. This calumny rests on a fundamental misunderstanding. The supreme power of the Pope is not unlimited in the sense of being arbitrary or unconstrained by higher law; it is supreme in the sense that within the Church no human authority is superior to it. But Christ himself is above the Pope, and the divine law, the natural law, and the Apostolic tradition all bind the Pope in the exercise of his authority. The Pope exercises supreme authority not for his own benefit but for the edification of the whole Church, serving as the servant of the servants of God.

CHAPTER IV

On the Canons of Discipline Edited in a General Council which Lack Pontifical Consent or Confirmation

§I. Canons of this kind, not approved by the authority of the Supreme Pontiff, do not oblige. This is a most important principle for understanding the genuine nature of conciliar authority. A General Council that enacts disciplinary canons which the Pope refuses to confirm cannot by those canons impose a binding obligation upon the whole Church. This is not because the Council has no authority whatsoever, but because the binding authority of conciliar decrees upon the universal Church depends upon their reception and confirmation by the Roman Pontiff.

The example of the Council of Constance is instructive here. Those decrees of Sessions IV and V which claimed to subordinate the Pope to the Council — the so-called Haec Sancta decrees — were never confirmed by any Pope and were indeed explicitly rejected by subsequent Popes. They thus lack the character of binding universal law and cannot be invoked as such. The decrees of Constance that were genuinely binding — those relating to the termination of the schism and the canonical procedures for the election of a new Pope — were duly confirmed and implemented.

§II. On the necessity of Pontifical approval in canons of discipline, so that they may obtain force and authority of the General Council. The necessity of Pontifical approval for conciliar canons to possess universal binding force flows from the very constitution of the Church as Christ established it. Since the Pope is the supreme legislator for the universal Church, having received from Christ the fullness of the power of the keys, it follows that no law can be genuinely enacted for the universal Church except through him or with his approval. The assembled Bishops of a Council, however numerous, however representative, do not by themselves constitute the supreme

legislative authority of the Church; that authority resides in the Pope, acting in communion with the episcopate.

§III. On the right of the Supreme Pontiff over all the Bishops even gathered in the general synod, from which it follows that the Bishops in the matter of discipline lacking the Pontifical approval cannot impose their decrees. The distinction between Bishops taken distributively, or collectively, introduced by adversaries is vain and repugnant to the reason of the primacy. The adversaries of Pontifical supremacy argue that while the Pope may indeed be superior to individual Bishops taken one by one, the assembled College of Bishops taken collectively is superior to the Pope. This distinction is without foundation in Scripture, Tradition, or reason. Christ gave the keys to Peter — and through Peter to the other Apostles — in such a way that Peter's singular role as the Rock and Head of the apostolic college was not diminished but rather constituted the principle of unity for the whole college. The assembled College of Bishops, separated from its head, the Pope, does not constitute a higher authority; it constitutes, in fact, no genuine authority at all as a governing body for the universal Church.

CHAPTER V

On the True Origin and Novelty of the Opinion Which Attributes to General Councils Coactive Authority and Right over the Supreme Pontiffs

§I. On the acts of General Councils up to the eighth Ecumenical Synod. A review of the proceedings of the General Councils from Nicaea (325) to the eighth Ecumenical Council (Constantinople IV, 869-870) reveals no instance in which a General Council claimed or exercised authority to sit in judgment over the Roman Pontiff, to summon him before it for trial, or to override his solemn doctrinal decisions. On the contrary, these councils consistently operated in communion with the Roman Pontiff, acknowledged his supreme authority, and understood their own definitions to require confirmation by the Apostolic See in order to possess the fullness of their doctrinal force. The Council of Nicaea (325), called by the Emperor Constantine, dealt with the Arian heresy. Its definitions were subsequently confirmed and promulgated by the authority of the Roman See. The Council of Constantinople I (381), the Council of Ephesus (431), the Council of Chalcedon (451) — all operated within the same framework of communion with and deference to the Roman See. At Chalcedon, as noted above, the Fathers cried out "Peter has spoken through Leo" when the Roman Pontiff's doctrinal letter was read, acknowledging that the voice of Peter's successor was the supreme standard against which the Council measured its own deliberations. The eighth Ecumenical Council (Constantinople IV, 869-870) is particularly instructive: in its thirteenth canon it explicitly forbade any council from presuming to judge the supreme Pontiff, and decreed that anyone who acted against the sentence of the Roman See in ecclesiastical matters would be condemned. This canon stands as a solemn conciliar affirmation — from a General Council itself — of the inerrancy and supreme authority of the Apostolic See.

§II. On the acts of particular synods, and about several most notable testimonies, which preceded the schisms of the 14th century and the Pisane and Constantian Councils.

Up to the time of the Western Schism, the tradition of the Church was unanimous: no particular synod, no local council, no provincial gathering claimed the authority to judge or discipline the Roman Pontiff. The theological opinion that a General Council possessed authority over the Pope was essentially unheard of among orthodox Catholics before the late fourteenth century. The great theologians of the Patristic and Scholastic eras — Saints Ambrose, Jerome, Augustine, Leo, Gregory, Anselm, Bernard, Thomas Aquinas — all affirmed without qualification the supreme authority of the Roman Pontiff.

§III. On the schism, from the occasion of which the adversary opinion arose somewhat before the Pisane and Constantian Councils. The Western Schism (1378-1417) was a catastrophe for the Church and for theological clarity about the papal office. With two and then three claimants to the papal throne, the question of how to restore unity became urgent and led some theologians to propose that a General Council could, in these extraordinary circumstances, act to resolve the schism even without clear papal authority for the gathering. From this emergency measure — justified perhaps in the exceptional circumstances of the schism — there was a fateful leap to the general principle that Councils are always above Popes. This leap from an exceptional remedy to a general principle was illegitimate, as our author demonstrates with great thoroughness.

CHAPTER VI

Whether the Pisane Synod Was Certainly Ecumenical and Whether Its Acts Support Conciliarist Claims

§I. On the right of convening General Councils. The right to convene a General Council belongs properly and primarily to the Roman Pontiff. This flows from the nature of the papal primacy: as the supreme head and governor of the universal Church, the Pope has the authority to gather the whole episcopate in assembly for deliberation and definition on matters of faith, morals, and discipline. The Emperor may assist in the practical arrangements for a Council — providing security, transportation, facilities — but the properly ecclesiastical act of convoking the bishops of the whole Church to an ecumenical gathering belongs to the Pope.

§II. Who must convene so that the Council may be truly ecumenical. For a Council to be truly ecumenical — truly representative of the universal Church and therefore capable of defining matters with the authority of the whole Church — it must be convened with the proper authority and in communion with the Roman Pontiff. A gathering of bishops, however numerous, that is not convened by or with the approval of the Pope, or that separates itself from communion with the Pope, cannot claim to speak with the authority of the universal Church.

§III. On the right and quality of suffrage of Bishops and the Pope in general synods. The Pope's role in a General Council is unique and differs from that of the other Bishops. The Bishops deliberate, vote, and define in their own right as successors of the Apostles possessing the fullness of the episcopal order. But the Pope presides, confirms, and gives to the conciliar definitions their definitive character and universal binding force. Without the Pope's confirmation, the definitions of even the most representative assembly of bishops cannot properly be said to be the definitions of a General Council in the full ecumenical sense.

§IV. Why the Pisane Synod lacks the authority of a General Council. The Council of Pisa (1409) was convened by cardinals — not by a legitimate Pope — in an attempt to resolve the Western Schism by deposing both claimants and electing a new Pope. Whatever may be said about the necessity of the attempt and the good intentions of those involved, the Pisane Synod lacked the essential mark of a truly ecumenical gathering: it was not convened by or with the authority of a legitimate Pope. Its depositions and elections, however consequential they may have been in practice, cannot be invoked as the acts of a General Council in the strict sense.

§V. To what extent the Pisane acts benefit the adversary opinion rather than help it. The acts of Pisa, far from supporting the conciliarist thesis, actually confirm the traditional teaching about the necessity of Pontifical authority for genuine conciliar action. For the Pisane assembly recognized — however inconsistently — that what it was doing required some semblance of papal authority and legitimacy, which it sought to construct from the powers of the cardinals as representatives of the Roman See. The very attempt to cloak the proceedings with some papal legitimacy testifies to the general understanding that a gathering without that legitimacy lacked the character of an ecumenical Council.

CHAPTER VII

The Constantian Decrees of the Fourth and Fifth Sessions on the Authority of General Synods over the Roman Pontiffs Have No Force of a General Council

The decrees of Sessions IV and V of the Council of Constance — principally the decree Haec Sancta — which claimed to subordinate the Roman Pontiff to the General Council in all matters, even in matters of faith, lacked the essential conditions necessary to give them the character and force of genuine ecumenical legislation. These conditions are: (1) that the Council was properly convened by legitimate papal authority; (2) that it acted in genuine communion with a legitimate Pope; (3) that its decrees were subsequently confirmed by a Pope. The first condition is problematic because the legitimacy of the papacy itself was in dispute at Constance. The second condition was conspicuously absent in Sessions IV and V, which were held while the legitimacy of Antipope John XXIII — the Pope who had convened the council — was itself under challenge and before his forced abdication. The third condition is decisively against the conciliarist interpretation: no Pope ever confirmed the decree Haec Sancta as a dogmatic definition binding upon the universal Church. Martin V, who was elected at Constance and whose election gave the council its greatest claim to legitimate conciliar status, subsequently made clear that he approved the acts of Constance only insofar as they were consistent with the faith and not contrary to it — a significant qualification. Beyond these procedural and historical considerations, there are weighty doctrinal reasons why these decrees cannot be received as binding dogmatic definitions. To affirm that a General Council is above the Pope in matters of faith would be to contradict the solemn definition of the Council of Florence (1439) — itself an undisputed ecumenical council — which defined the Petrine primacy as a primacy of full jurisdiction, not merely of honor. It would also contradict the decree of the First Vatican Council (1869-70) defining Pontifical infallibility — although this last point falls outside the chronological scope of Ballerini's original work.

CHAPTER VIII

The Same Constantian Decrees Have No Peremptory Force Because They Were Not Enacted as a Certain Dogma of Faith

The Constantian decrees of Sessions IV and V were enacted not as dogmatic definitions of revealed truth, but rather as practical measures for dealing with the extraordinary crisis of the Western Schism. The formula of the decrees itself reflects this: they speak of what is being determined "for the purpose of extirpating the present schism" and establishing union and reformation of the Church "in head and members." They are constitutional measures for an emergency situation, not solemn definitions of perennial doctrine. Furthermore, even setting aside the question of their character as emergency measures, these decrees suffer from an insurmountable internal inconsistency. If the Council is above the Pope, then the Pope has no authority to confirm the Council's decrees — and yet the very binding force of conciliar decrees upon the universal Church has always been understood to depend upon papal confirmation. If the Pope must confirm conciliar decrees for them to be binding, he cannot be below the Council. If he is below the Council and his confirmation is not necessary, then the decrees of Constance need no confirmation — but then neither do those of any other council, which overturns the whole structure of conciliar authority as universally understood. The great merit of our author Ballerini is precisely to have identified and exposed this fundamental inconsistency in the conciliarist position, showing that it cannot be maintained without destroying the very foundations of conciliar authority itself. The conclusion is inescapable: the genuine teaching of the Church, constant and unbroken from the Apostolic age until the innovations of the fifteenth century, is that the Roman Pontiff holds the supreme authority in the Church, and that General Councils, however representative and however authoritative in their proper sphere, are not above the Pope but act in union with him and under his presidency and confirmation.

CHAPTER IX

Objection from the Necessity of Remedy in Extraordinary Cases from the Constantian Memorials Expounded

§I. On the remedy in the case of reformation of morals especially in the head. Even the most staunch defenders of Pontifical supremacy acknowledge that in the history of the Church there have been times when moral corruption reached even the highest levels of ecclesiastical governance. The question is not whether such corruption has occurred — history unfortunately testifies that it has — but rather what remedies are available and legitimate within the constitution of the Church as Christ established it. The adversaries argue that in such cases, when the Pope himself is the source of scandal and moral corruption, the Council must have the authority to compel reform, even against the Pope's will. But this argument, however superficially plausible, rests on a fundamental error. The authority to govern the universal Church — including the authority to bind in conscience — belongs to the Pope by divine right. No human assembly, however representative, can deprive him of that authority. The remedy for moral corruption in the papacy lies not in the assertion of conciliar supremacy but in the moral and spiritual means available to the Church: admonition, prayer, the example of holy bishops, the quiet pressure of orthodox opinion, and ultimately the trust that God who has promised to preserve His Church will not permit her to be definitively harmed.

§II. On the remedy in the case of heresy about faith. The case of a Pope who falls into formal heresy — the hypothetical case that has exercised theologians for centuries — is distinct from the case of moral corruption. Here the argument is that if the Pope were to formally profess heresy, he would by that very act separate himself from the Church, which is the body of the faithful, and that the Council might then have to act to recognize this separation and provide for the continuation of legitimate governance. This hypothetical, however, does not establish the general principle of conciliar supremacy.

The case of a heretical Pope — if it were ever to occur — would be an extraordinary exception requiring extraordinary handling; it would not justify the general assertion that the Council is always and in principle above the Pope.

§III. In the case of schism, where two or more bear themselves as Pontiffs. The case of schism — where there are multiple claimants to the papal throne, as happened during the Western Schism — is the historical context in which the conciliarist thesis was born. Here one might argue that the Council must have the authority to resolve the schism, even if this requires judging between the competing claimants. But again, the legitimate resolution of schism does not require asserting that Councils are generally above Popes. It requires only that in the extraordinary circumstance where the legitimate occupant of the papal See is genuinely uncertain, the Church has some mechanism for restoring certitude — a mechanism that must, by its nature, be exercised in accordance with the constitution Christ gave to His Church.

§IV. How the Constantian schism was removed and unity restored without the use of the power of the council over the Pontiff. The resolution of the Western Schism at Constance was accomplished not through the Council exercising authority over a legitimate Pope, but through the voluntary abdication of John XXIII, the deposition of a claimant whose claims were contested from the beginning, and the election of Martin V by the combined authority of the Council and the Cardinals. This resolution — as messy and irregular as it inevitably was — did not require and did not establish the principle that Councils are above Popes. It required only that in an unprecedented emergency, the Church found a way to restore unity within the bounds of what was practically possible.

§V. Animadversion on appeals from the Pope to the General Council. The practice, which arose in the late medieval period, of appealing from the decisions of the Roman Pontiff to the authority of a future General Council was condemned by several Popes as an abuse and an error. Leo X at the Fifth Lateran Council (1513) formally condemned the practice of appealing from the Pope to a future Council. This condemnation rests on sound doctrinal grounds: since the Pope possesses the supreme authority in the Church,

there is no higher earthly authority to which an appeal can properly be directed. To appeal from the Pope to a Council is to claim that the Council is above the Pope — precisely the thesis which the tradition of the Church consistently rejected.

CHAPTER X

The Principles and Sum of All the Reasoning by Which the Right above the Roman Pontiffs Must Be Denied to the General Councils

Having traversed the historical, canonical, and theological arguments in the preceding chapters, we may now state the conclusions of this entire inquiry in their most systematic form. The right of the General Councils over the Roman Pontiffs must be denied on the following grounds:

First, from Sacred Scripture: Christ gave to Peter alone the keys of the kingdom of heaven, commissioning him to feed and govern the whole flock of Christ. This primacy of jurisdiction — not merely of honor — was given to Peter personally, as the Head of the Apostolic College and the Rock upon which the whole Church is built. The successors of Peter, the Roman Pontiffs, inherit this primacy in its fullness by divine right.

Second, from Tradition: The unanimous testimony of the Fathers and of the Councils themselves — considered up to the point at which the novel conciliarist opinion was introduced in the late fourteenth and early fifteenth centuries — consistently affirms the supreme authority of the Roman Pontiff over the whole Church, including over the assembled episcopate. No Father, no Council, no theological tradition recognized as authentically Catholic prior to the Western Schism acknowledged the authority of a General Council to sit in judgment over the Pope.

Third, from Reason: The authority of a General Council to make binding definitions for the universal Church depends upon papal confirmation. If the Pope is below the Council, his confirmation is meaningless — any authority he might lend to the Council's decrees would be inferior to the authority those decrees already possess as acts of the supreme authority. If his confirmation is meaningful and necessary, then he must

be the supreme authority — and the Council is below him, not above him. There is no coherent middle position.

Fourth, from the Promises of Christ: Christ promised that the gates of hell would not prevail against His Church, and that He would be with His Apostles — and by extension with their successors — always, even to the end of the age. These promises ground the infallibility of the Church's teaching authority. But they also ground the persistence of the hierarchical constitution that Christ gave to His Church. The Pope, as the successor of Peter and the supreme head of the Church's governance, is the visible focus of unity and the authoritative interpreter of the Apostolic tradition. To place the Council above the Pope would be to dissolve the principle of unity that Christ willed His Church to possess. These four converging lines of argument lead to the firm conclusion: the Roman Pontiff, as the successor of Peter in the supreme dignity of the universal primacy, holds the highest authority in the Church on earth. General Councils, when properly convened and confirmed by the Pope, are organs of the highest teaching and governing authority — but they exercise that authority in union with and under the headship of the Pope, not above him or in opposition to him.

PART II

VINDICATION OF PONTIFICAL AUTHORITY AGAINST THE WORK OF JUSTIN FEBRONIUS

On the State of the Church and the Legitimate Power of the Roman Pontiff

Preface

The work of Febronius — which conceals under a pseudonym the work of Nicholas von Hontheim, Suffragan Bishop of Trier — represents perhaps the most elaborate and systematic attempt in the eighteenth century to undermine the legitimate authority of the Roman Pontiffs. Drawing upon the Richerist tradition, the Gallican liberties, the conciliarist claims of the Constance era, and a selective reading of patristic and canonical sources, Febronius constructed an elaborate theoretical edifice designed to reduce the papacy to a largely ceremonial office while investing real governing authority in the episcopate collectively and in General Councils. The refutation of this work is not merely an academic exercise. The Febronian system, widely circulated and translated into several European languages, exercised considerable influence on the thinking of Catholic rulers and ecclesiastics in the second half of the eighteenth century. The reforms of Joseph II in Austria, the machinations of the Emsan punctators, the theology behind the Pistorian Synod — all bear the marks of Febronian influence. The practical consequences of this system, wherever it was implemented, were invariably harmful to the unity of the Church, the exercise of sound pastoral governance, and the spiritual wellbeing of the faithful.

CHAPTER I

How Much Febronius Detracts from the Legitimate Pontifical Authority in Deciding the Controversies of Faith

The most fundamental and consequential aspect of Febronius's attack on Pontifical authority concerns the power of the Roman Pontiff to decide controversies of faith with a binding and definitive judgment. For Febronius, the Pope has no authority to issue definitions of faith that are binding upon the whole Church by themselves; such definitions require the consent of the dispersed Church to possess genuine authority. This position directly contradicts the constant tradition of the Church about the doctrinal authority of the Roman See. The tradition is unambiguous: from the early centuries of Christianity, the Roman See has been recognized as the decisive arbiter in controversies of faith. When Arius denied the divinity of Christ, the cause was ultimately decided not by the Council of Nicaea alone but by the consistent support of the Roman Pontiffs for the Nicene definition. When Nestorius denied the unity of Christ's person and the title Theotokos to the Virgin Mary, Pope Celestine I issued a decision condemning Nestorian doctrine before the Council of Ephesus convened, and the Council's subsequent action was understood as confirming and implementing the papal judgment. The famous letter of Pope Leo I — the Tome of Leo — was read at the Council of Chalcedon, and the Fathers recognized in it the voice of Peter speaking through his successor. Febronius objects that in all these cases the Pope was acting in communion with the universal episcopate, and that it was this communion — not the Pope's authority alone — that gave his decisions their binding character. But this objection misses the point entirely. The Pope does not define matters of faith in isolation from the episcopate, and he does not claim to do so. He acts as the head of the episcopal college, in whose name and for whose benefit he exercises the supreme teaching authority. But he acts as the head — not as a mere representative or delegate of the other members. The authority is his; the

communion with the episcopate confirms and makes visible the universal character of the definition, but does not constitute the source of its binding force.

CHAPTER II

What Power Belongs to the Roman Pontiff in Matters of Discipline, and How Much the Febronian System Detracts from It

Beyond the matter of doctrinal definitions, Febronius's system also severely restricts the governing authority of the Roman Pontiff in matters of ecclesiastical discipline. For Febronius, the Pope has at most a supervisory and coordinating role; real governing authority over the particular churches belongs to the individual Bishops and, in cases affecting the universal Church, to the General Council. The Pope may urge, advise, and coordinate — but he cannot impose binding governance upon the particular churches without their consent. This position is incompatible with the fullness of the Petrine mandate. When Christ commissioned Peter to feed and govern the whole flock — not merely to advise and coordinate — he gave him a real governing authority, not merely a moral influence. This governing authority extends to matters of discipline as well as doctrine. The history of the Church provides abundant evidence of the exercise of this governing authority by the Roman Pontiffs: convening and confirming Councils, appointing and transferring Bishops, issuing disciplinary decrees binding upon the whole Church, receiving appeals from all parts of the Church, and exercising a universal jurisdiction that extended to every diocese and every faithful member of the Church. The Febronian system, by restricting the Pope's role to that of a coordinator and supreme honorary president, would effectively dissolve the bonds of unity that Christ willed His Church to possess. A Church in which each Bishop governs his own diocese independently, with the Pope having only advisory authority, is not the Church of Peter's successors; it is closer to the structure of an episcopal confederation, which is precisely the form of ecclesiastical polity that the Protestant Reformers embraced and that the Catholic tradition has consistently rejected.

CHAPTER III

On the Supreme and Full Ecclesiastical Power Which Belongs to the Roman Pontiffs by Right of Primacy

The supreme and full ecclesiastical power of the Roman Pontiffs is not an arbitrary monarchy without limits, as Febronius falsely alleges. It is a power circumscribed by natural and divine law, by the Apostolic tradition, and by the essential constitution of the Church as Christ established it. But within these limits — which are not human impositions but divine ordinances — the power of the Roman Pontiff is genuinely supreme: no earthly authority in the Church is above it. The power is full, meaning that all the governing authority necessary for the spiritual good of the universal Church is contained in the Petrine office. Nothing that belongs to the proper governance of the Church is excluded from the Pope's authority in principle, though in practice the Pope exercises his authority primarily for the benefit of the whole Church and in relation to matters that exceed the competence of local or particular churches. The power is supreme, meaning that no other authority in the Church — not the episcopate, not a General Council, not the entire body of the faithful — possesses an authority coordinate with or superior to the papal authority in matters of governance and doctrine. This does not mean that the Pope ignores the counsel of the episcopate or acts without reference to the tradition and mind of the Church; good governance at every level involves consultation and discernment. But the final authority is the Pope's, and his decisions, made in the proper exercise of his office, are binding upon the whole Church. The governance of the Church is not simply monarchical, as if the Pope were an absolute ruler unconstrained by any law or tradition. It is monarchical and aristocratic: monarchical in that the supreme authority resides in the Pope; aristocratic in that the episcopate — the successors of the Apostles — possess their own genuine authority and their own proper share in the governance of the Church, exercised in communion with and under the headship of the Pope. This constitution — one in which supreme authority is united with

genuine episcopal collegiality — is neither pure monarchy nor pure aristocracy but a unique form of governance that reflects the divine wisdom of Christ's design for His Church.

CHAPTER IV

On the Supreme and Full Power Given to the Roman Pontiffs Above the Faculties of Bishops

The supreme power of the Roman Pontiffs over the Bishops is not a human invention, a medieval accretion, or an expression of the ambitions of the medieval papacy. It is grounded in the divine institution of the Petrine office and has been recognized by the Church from the very beginning. But it must be properly understood: the Pope is not the source of episcopal authority, as if Bishops derived their sacramental powers from him. The fullness of the priesthood — the episcopal order — is given to Bishops in the sacrament of Holy Orders, not by papal appointment. What the Pope has over the Bishops is a primacy of jurisdiction — a supreme governing authority that gives him precedence over all other Bishops and the authority to direct, coordinate, limit, and when necessary override the exercise of episcopal authority for the good of the whole Church. This jurisdictional primacy does not abolish or diminish the genuine authority of the Bishops in their own dioceses; it rather places that authority within the framework of unity that is essential to the proper functioning of the Church as the one Body of Christ. The power is to be distinguished from its use; nor from the abuses of those to whom power is given, but not by those who abuse it, is the power itself to be denied. This principle is of great practical importance for the controversy with Febronius. Febronius, like many critics of the papacy before and after him, pointed to historical instances in which popes had exercised their authority in ways that seemed arbitrary, high-handed, or damaging to the legitimate interests of local churches. But the existence of abuse does not negate the legitimacy of the authority that was abused. Every legitimate authority is capable of being abused; the remedy lies not in denying the authority but in ensuring its proper and just exercise.

CHAPTER V

On the Supposed Pseudo-Isidorian Decretals

§I. Whether the decretals attributed to the ancient Pontiffs by Pseudo-Isidore, in gratiam of the Roman Prelates to augment their power were fabricated. The so-called Pseudo-Isidorian Decretals — a collection of forged documents purporting to be letters of early popes and councils — are a well-known phenomenon in medieval canonical history. These forgeries, which appeared in the ninth century, were for a long time accepted as genuine by many canonists and were cited in canonical collections as evidence for the ancient authority of the Roman See. Since the sixteenth century, scholars have demonstrated with increasing certainty that these documents are largely or entirely fabricated. Febronius makes much of these forgeries, arguing that the enhanced authority of the Roman Pontiffs that appears in later canonical tradition was built upon the fraudulent foundation of these false documents, and that once the fraudulent foundation is removed, the edifice of papal supremacy collapses. This argument, however, is fundamentally flawed, for two reasons.

§II. Whether those things which are taught on the authority of the Supreme Pontiff in the Pseudo-Isidorian Decretals introduced anything genuinely new. Even if the specific texts of the Pseudo-Isidorian Decretals are forgeries, the doctrinal claims they made about Pontifical authority were not innovations. The authentic letters of the genuine early popes — men like Clement I, Damasus, Siricius, Innocent I, Leo I, Gelasius I, and Gregory I — already attest a robust exercise of papal authority over the universal Church, including over the other patriarchal sees. The forgers of the Pseudo-Isidorian collection were not inventing claims about papal authority; they were providing additional — if false — documentation for claims that were already well established in the genuine tradition.

§III. Whether any novelty of discipline that prevailed from the Pseudo-Isidorian Decretals is false law and corruption which cannot derogate from the ancient canonical

law. Even if one were to grant, for the sake of argument, that some disciplinary practices were introduced or enhanced on the basis of the Pseudo-Isidorian Decretals, this would not necessarily make those practices illegitimate. The Church has the authority to develop and refine its discipline over time; a practice that was introduced or regularized at a particular point in history is not thereby proven to be contrary to divine law or to the authentic tradition. The authority of the Roman Pontiff rests not on the Pseudo-Isidorian Decretals but on the genuine testimony of Scripture, genuine patristic tradition, and the authentic documents of the early Church — all of which abundantly attest the Petrine primacy.

CHAPTER VI

Whether the Discipline of Ancient Canons Must Be Revoked and the Power of Bishops and Metropolitans Restored to Its Primitive State

One of the persistent arguments of the Febronian and Gallican schools is the appeal to the supposed pristine state of ecclesiastical discipline in the early centuries, before what they regard as the usurpations of the medieval papacy corrupted the original constitution of the Church. This appeal to primitive discipline is used to justify proposals for the restoration of extensive metropolitan and patriarchal autonomy at the expense of Roman centralization. This argument rests on several fundamental errors.

First, it assumes that the ecclesiastical discipline of the early centuries was essentially different from that of later periods in ways that diminish Pontifical authority. But a careful examination of the genuine sources shows that the Roman Pontiffs exercised a real and effective supremacy from the very beginning of Christian history. The letters of Clement I to the Corinthians (c. 96 A.D.) — written while the Apostle John was still alive — show the Roman church intervening with authority in the affairs of a church at the other end of the Mediterranean. The decretals of Siricius and Innocent I in the late fourth and early fifth centuries show the Roman Pontiffs issuing binding disciplinary ordinances for the whole Church.

Second, the argument assumes that the proper standard for ecclesiastical governance is a primitive simplicity that predates the development of organized canonical structures. But the Church is a living organism that develops in its self-understanding and in its institutional structures over time, under the guidance of the Holy Spirit. The development of canonical structures — metropolitan organization, patriarchal organization, and eventually the more explicit definition of Pontifical primacy in the medieval and early modern periods — is not necessarily a corruption of an earlier purity.

It may equally be understood as the natural and providential development of structures that were implicit in the original constitution Christ gave to His Church.

Third, the proposal to return to an earlier and simpler form of ecclesiastical discipline ignores the historical context in which the present structures developed. The enhanced role of the Roman Pontiff in the governance of the universal Church developed in response to genuine pastoral needs — the need for a definitive arbiter of doctrinal controversies, the need for a center of unity in a Church spread across many different cultures and political jurisdictions, the need for an authority that could protect the rights of smaller and weaker churches against powerful local rulers. These needs do not disappear simply because some theologians find the papal solution to them inconvenient.

CHAPTER VII

The Means Proposed by Febronius for the Restoration of Old Discipline and Their Offense to Pontifical Authority

Febronius proposes a series of measures by which, as he claims, the ancient and proper discipline of the Church could be restored: the restriction of papal authority to matters of universal importance, the enhancement of the authority of provincial and national councils, the reduction of appeals to Rome, the increased autonomy of episcopal conferences, and the subordination of the Pope's doctrinal decisions to the approval of the dispersed episcopate. These proposals, considered individually and as a system, would effectively transform the Catholic Church from the hierarchically ordered society that Christ instituted into a loose federation of national churches coordinated by a largely ceremonial papacy. The practical effect of implementing Febronian proposals would be the effective dissolution of the unity of the Catholic Church — a unity that Christ willed His Church to possess and that the Holy Spirit has maintained throughout the centuries despite every human failing and inadequacy. The Febronian program also suffers from an internal contradiction. It presents itself as a restoration of ancient discipline; but the ancient discipline — properly understood — was precisely a discipline that recognized the supreme authority of the Roman See. To restore ancient discipline while simultaneously diminishing Pontifical authority is to contradict the very thing one claims to restore. Furthermore, the Febronian proposals are not neutral reforming measures; they are, as the history of their reception shows, the program of those who wish to subject the Church to the control of temporal rulers. The enhanced episcopal autonomy that Febronius advocates is in practice the autonomy of state-controlled episcopates, governed by royal appointment and bound to serve the interests of secular rulers rather than the authentic pastoral interests of the faithful. The restrictions on papal authority that Febronius proposes are in practice the restrictions that serve the interests of monarchs

who wish to exploit the resources of the Church without being subject to its moral authority.

CHAPTER VIII

Observations on Certain Other Places of Febronius

§I. How badly Febronius concludes from the text of Acts c. 8. v. 11. that St. Peter was subject to the Apostles (or to the Church) who sent him with John to Samaria. The incident in Acts 8 to which Febronius refers — where the Jerusalem church sends Peter and John to Samaria — is interpreted by him as evidence that Peter was subordinate to the community that sent him. This interpretation is manifestly forced. The context of Acts 8 shows that Peter and John go to Samaria as the most eminent among the Jerusalem Christians, bearing the authority of the apostolic community. The fact that they go together does not imply that Peter is subordinate to John or to the community; it shows rather the collegial character of apostolic ministry, in which the head of the college acts in concert with its members.

§II. In that place of Febronius c. 2. §3 where he contends that the Church can transfer the primacy from the Roman Pontiff to another Bishop. This is perhaps the most extreme of Febronius's claims about the mutability of ecclesiastical structure. If the primacy is of divine institution — as Catholic doctrine consistently affirms — then no human authority, whether the Church, a Council, or any other body, can transfer it from the See of Rome to another see. The primacy belongs to the See of Rome not by human convention or ecclesiastical decree but by divine ordinance, as the constant tradition of the Church attests.

§III. An animadversion on the words of St. Cyprian's discourse to the Fathers of the Council of Carthage, and in the commentary from Febronius cited. Febronius, like the Gallicans before him, appeals extensively to the authority of St. Cyprian, particularly to his ecclesiology in which each Bishop appears as a largely autonomous governor of his own church, with episcopal unity being maintained primarily through consultation and consensus rather than hierarchical subordination. But Febronius's reading of Cyprian is

selective and distorted. Cyprian himself explicitly affirmed the unique dignity and preeminence of the See of Peter, declaring that the Church has its unity from the See of Peter and that whoever does not hold the unity of the Church with Peter cannot hold the faith.

§IV. Whether the Tridentine General Council exercised authority over the Pope. Febronius argues that the Council of Trent, in various of its proceedings, implicitly assumed an authority coordinate with or superior to the Pope. But a careful examination of the acts of Trent shows that the Council consistently operated under and in communion with the Roman Pontiff. Its decrees were promulgated and given universal binding force by the confirmation of the Pope. The presence of disputes and tensions between conciliar Fathers and papal legates at various points in the Council's proceedings does not establish a principle of conciliar supremacy; such tensions are the inevitable result of conducting any large and complex assembly.

§V. On distinguishing the power of jurisdiction from the power of order. A distinction that is essential for understanding the proper role of the papacy and episcopate is that between the power of order and the power of jurisdiction. The power of order concerns the sacramental acts proper to each degree of holy orders: the power to offer the Eucharist, to confirm, to ordain. This power is conferred in the sacrament of Holy Orders and does not depend upon hierarchical position or papal appointment. The power of jurisdiction, by contrast, concerns the governing authority within the Church: the authority to make binding decisions, to teach with doctrinal authority, to impose obligations upon the faithful. This power can be limited, extended, or restricted by those who possess the supreme jurisdictional authority — ultimately the Pope.

§VI. In the text of Febronius c. 8. §3 where he attributes to the counsel of certain ancient Pontiffs and saints the augmenting of power. Febronius attempts to demonstrate that the growth of Pontifical authority in the Church's history was the result of the ambitions and stratagems of individual Popes and their allies, who progressively enlarged their power at the expense of the Bishops. This interpretation is historically untenable.

The enhancement of Pontifical authority in the canonical tradition was not the product of papal ambition but of the genuine pastoral needs of the Church and the authentic doctrinal tradition that recognized the supreme authority of the Petrine office.

§VII. In certain places of Febronius where he belittles the Pontifical authority in provincial synods and in major causes. Febronius's treatment of the authority of provincial and national synods, and his claim that the Pope's role in relation to these synods is merely advisory and confirmatory, distorts the genuine canonical tradition. The right of the Roman Pontiff to intervene in matters decided by local and provincial synods — to receive appeals from their decisions, to review their doctrinal definitions, to correct their errors — is abundantly attested in the history of the Church from the very beginning.

§VIII. Whether Pontifical authority is opposed to the utility or necessity of General Councils. Finally, Febronius suggests that the supreme and unreviewable authority of the Roman Pontiff, as traditionally understood, renders General Councils unnecessary or even harmful. If the Pope can decide everything by himself, why bother with Councils? But this objection rests on a false premise. The supreme authority of the Pope does not render Councils unnecessary; rather, Councils are one of the principal means by which the Pope exercises his supreme teaching and governing authority for the benefit of the universal Church. The Pope convenes a Council precisely because a matter of such universal importance has arisen that the solemn testimony of the whole episcopate, gathered in union with the head of the College, is the most appropriate and authoritative way to address it. The Council enhances, rather than diminishes, the authority of the papal decision, by showing it to be the expression of the faith of the whole Church.

CONCLUDING OBSERVATIONS

The arguments assembled in this volume — both in the original treatise of Pietro Ballerini and in the prefatory material contributed by the editor — converge upon a single and decisive conclusion: the Catholic doctrine of the Roman primacy, as defined with exemplary precision by the Council of Florence and as consistently upheld by the tradition of the Church from the Apostolic age, is not a medieval innovation or a self-serving invention of ambitious popes. It is the authentic teaching of Scripture and Tradition about the constitution that Christ himself gave to His Church. The Roman Pontiff, as the legitimate successor of Peter and the Vicar of Christ on earth, possesses the fullness of the apostolic power in its governing and teaching dimensions. This power is full — encompassing all that is necessary for the spiritual governance of the universal Church. It is supreme — no earthly authority in the Church is above it. It is ordinary — possessed by virtue of the papal office itself, not delegated by the episcopate or the faithful. And it is universal — extending to every part of the Church and to every member of the faithful. The various systems that have sought to limit or circumscribe this power — the conciliarism of the fifteenth century, the Gallicanism of the seventeenth, the Richerism and Febronianism of the eighteenth — all share the fundamental error of substituting human political categories for the divinely instituted constitution of the Church. They import into the Church the categories of limited monarchy, constitutional government, and representative democracy — categories that belong to the political sphere and that illuminate nothing of the nature of the society that Christ founded. The Church is not a political society constituted by the consent of its members and governed by the will of the majority. She is the Body of Christ, the Bride of the Lamb, the Temple of the Holy Spirit — a society constituted by divine act, governed by divine law, and sustained by divine grace. Her constitution is not a human creation to be modified by human wisdom; it is a divine gift to be received with gratitude and maintained with fidelity.

The supreme authority of the Roman Pontiff is not an obstacle to the genuine freedom and authority of the other members of the hierarchy; it is the condition of their proper exercise. Just as the head does not diminish but rather enables the functioning of the members of the body, so the Petrine primacy does not diminish but rather enables the authentic exercise of episcopal authority in communion with the universal Church. The Bishop who submits to the supreme authority of the Roman Pontiff does not thereby diminish his own authority; he places his authority within the context of the universal communion that gives it its fullest and most authentic expression. May the reading of this volume contribute to a clearer understanding of these truths among all who seek the genuine unity and authentic governance of the Church of Christ.

CHAPTER III.

On the Right of the Supreme Pontiffs and General Councils in Matters of Discipline.

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§. I. On the Canons of Discipline Issued in a General Council, to which the Assent or Confirmation of the Supreme Pontiff has been Added. He must observe these canons not by the law of those canons themselves, but by a higher natural and divine law, by which those same Pontiffs are bound.

If we speak of the other question in matters of discipline, about which most canons of general Councils are concerned — the question, namely, of whether in these matters a general Council is above the Pope — it here recurs — whether the decrees of such Councils in the matter of discipline bind the Supreme Pontiffs by themselves, that is, whether the law of a general synod obliges them or not. A distinction must be made in this matter. For either we speak of canons of discipline which the Pope himself, together with the Fathers of the Council, has sanctioned, or those already established which he has also confirmed by his own authority; or of those which have been established by the Fathers of the Council alone, lacking the assent and confirmation of the Pope. In this chapter we shall treat only of the first kind. It is certain that canons established in ecumenical synods, to which the assent or confirmation of the Pontiff himself has been given, bind the Pope himself. But such an obligation does not arise from human law, to which the Supreme Pontiff is also subject. For both the Supreme Pontiff and the Fathers of the Council concur in establishing such canons. But the obligation of human law, which can have force only over subjects and inferiors, cannot affect the Supreme Pontiff, neither from the law of the assenting or confirming Pontiff, nor from the law of the Fathers of the Council. Not from the law of the Pontiff himself; for neither is he over himself, nor does he have equal power over his successors. Not from the law of the

Fathers of the Council; for these, even if they be collectively accepted, since both subjects and inferiors are to the Supreme Pontiff, as we shall demonstrate in the following §. III., obtain no properly-called jurisdiction over their superior, nor can they obtain it. Those Pontiffs are bound only by those canons to which they have given assent, just as they are bound by the laws of themselves and their predecessors, which they had pledged with an oath even in solemn professions to observe equally with the sacred canons. But this must not be attributed to coercive human law, but by virtue of what they call directive force — that is, by a higher natural and divine law — which requires that in matters established for the public good, the superior should proceed, and not open to others the way to violating the laws, which would lead to great scandal.

Bossuet, in the sermon delivered at the illustrious Assembly of the Gallican Clergy held in Paris in the year 1681, distinguishing between the power given to the Apostles and to Peter, confessed that that power given to Peter by Christ without any restriction has no other limits than those which RULE itself prescribes. *She has no limits except those which RULE itself gives.* But this rule, to which St. Peter himself was subject, who was placed over all without restriction, could be no human law, but only natural and divine, as we have indicated. For this reason Gelasius wrote in Epistle 13 to Dardanus (1: Gelasius, Ep. 13 ad Dardanos, t. 5, Conc. Ven. edit. col. 326): *Whatever has been established by a universal synod, which the universal assent of the Church has approved, must be observed more by the first see than by others, which that same see confirms by its own authority, and preserves with continued moderation.* Other similar things are read of other Pontiffs. There is no Prince who, though subject to no coercive human law, is nevertheless not bound by the same directive and natural and divine law of his own laws as well, lest he destroy by example what he has established for the public good. And so St. Ambrose, Epistle 32 to Valentinian, wrote: *The laws which the Emperor issues, he himself is the FIRST to observe.* And Theodosius and Valentinian, L. 1, Cod. tit. 14, *On law, etc.*

The Constitution: *It is worthy of the majesty of the ruler to profess himself bound by the laws;* yet for this reason he cannot be said to be subject to the same or his predecessors or to himself under coercive law. In this sense, then, when the Roman Pontiffs declared themselves bound by the sacred canons of discipline, it was not because, from time to time in general councils in which those canons were constituted and received by the Apostolic See, a right can thence be deduced over them; since they are bound to their observance not by human but by natural and divine law.

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§. II. So truly by this higher natural and divine law are the Supreme Pontiffs bound to the execution and observance of the canons of discipline, as long as they are in force, that although by their supreme power they may dispense in those same canons, or even sometimes restrict or change them, they may not lawfully do so without a legitimate cause.

The power of dispensing in matters of discipline constituted by canons even of general councils, proven by the most ancient examples, cannot be denied to belong to the Supreme Pontiffs even by adversaries. This was also acknowledged and approved by the Chalcedonian ecumenical synod, as demonstrated by the example of Maximus of Antioch, who was received as a bishop by the sole authority of the Apostolic See, by dispensation from the rigor of the canons by which the illegitimacy of his ordination repelled him. Yet the same Leo, having used the dispensation, received him as a bishop, and the synod also received him among the Fathers. Paschasius Quesnellus tried to bring into doubt the action which most openly proves this. But we have most clearly vindicated it from various original codices and other documents in the Observations on Dissertation IX. of Quesnell inserted in our edition of the Works of St. Leo tom. 2, with the support (1: Tillemontio and others; Quesnel. Dissert. 9. n. 3) of Tillemontio and other most learned critics; hence it must be concluded in the very words of Quesnell himself: *Now*

we have before us the most famous and most ancient testimonies of the supreme authority of the Roman Pontiff both IN SYNODS, and toward Eastern Bishops, of the major and of the primary sees. These and other similar dispensation examples exist. If these dispensations are not given indiscriminately, nor rashly, nor without just cause by Pontiffs, and ought not to be given; this does not depend on the fact that the Councils' canons have coercive power over the Pontiffs themselves, but lest the dispensers, without just cause, abuse the power given by God for the building up of the Church for its destruction instead, which would fight against the divine and natural law. To these pertains that saying of St. Bernard to Pope Eugenius (1: Bernard, De Consid. lib. 3, c. 4, n. 18): *I am not so rude as to be unaware that you are placed as dispensers, but for building up, not for destroying. In short, it is asked among dispensers that a faithful one be found. Where necessity urges, the dispensation is excusable. Where public utility calls for it, the dispensation is laudable — public, I say, not private. For when none of these exists, it is not truly a dispensation but a cruel dissipation.* He therefore who from necessity or public utility can dispense in canons of discipline established even by general synods of his own authority is proved to be a superior, or at least not an inferior: for the faculty of dispensing in the laws of a superior never falls to an inferior, unless perhaps by the interpretive consent of the superior at least. Theologians teach that Bishops can dispense even in votes and canons of discipline in the more ordinary and frequent cases by the interpretive consent of their superior, namely the Pope. But to the Supreme Pontiffs the faculty of dispensing in the canons of general synods has been conceded by those synods, and as delegated can in no way be proved by the testimony of those Councils themselves. Indeed when the Tridentine synod sess. 25. c. 21. declared that those decrees were such that *in them the authority of the Apostolic See is always preserved and should be understood* (Council of Trent, Session 7, preface to the decrees on Reform: 'Always saving in all things the authority of the Apostolic See.'); these Apostolic authority-preserving formulas signify the authority properly competent to it, not granted or delegated from the synod itself: for the power called *salva* cannot be that which is granted to someone, but which is presumed to be competent to him from

elsewhere. For this reason I cannot assent to those who so interpret those words as if the same council had conferred the faculty upon the Supreme Pontiffs which they would otherwise have lacked. Unless it is first proven that the Pope is an inferior and subject to these ecumenical councils, he will be able to dispense of his own right and will not need this concession and consent. The Tridentine synod, which yielded very much to the Apostolic See and sought its consensus and approval, did not even think of granting this faculty.

Moreover, by that same authority by which the Roman Pontiff can dispense where it is expedient even in the canons of general Councils pertaining to discipline, he can also, where just cause presents itself, abrogate or change the canon of discipline, as may be proved by several ancient examples; which confers upon the declaration of his supreme power. This must be done cautiously and with much moderation, so that scandals may be avoided from abrogation or change, and the public good promoted: which condition, imposed by natural and divine law itself, subjects the Supreme Pontiffs not to the canons of councils nor to human law, but to natural and divine law. For this reason even though the Roman Pontiffs may do many things for the supreme exercise of their power in the universal Church; if it is nevertheless not expedient, those words of the Apostle (1 Cor. 6, 12.) must be heeded: *All things are lawful to me, but not all things are expedient;* from which St. Bernard modestly wrote to Pope Eugenius (1: Bernard, De Consid. lib. 3, c. 4; also Ep. 131 ad Gelasius): *Thus by proving you are shown to have plenitude of power, but whether of justice, that is the question.* He who does not deny the power, but professes it to be present, and wishes to contain the exercise and use of it solely within the limits of justice so that it not exceed what is expedient, considers himself not under canonical law, but under natural and divine, which circumscribes the supreme power even of Princes. So also when St. Irenaeus in the question of the day of Easter tried to remove Pope Victor from issuing a sentence of excommunication against the Asians, he did not deny his power, but showing that it was not expedient on this cause to separate them from the body of the Church, indicated only that use of power within

those limits — not human but natural and divine — which are prescribed to every supreme power, as something to be coerced.

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§. III. A Slander which Exposes the Apostolic Authority to the Hatred and Envy of Many, Refuted.

From these things, I think, you will easily recognize, reader, how perversely certain adversaries exert themselves to excite slander against our opinion (1: Confer Vindicias c. 4.), so as to portray the pontifical power from those same arguments as if attributed to the Supreme Pontiffs so that they might draw all things to themselves, reduce at will the authority of Bishops, treat the sacred canons of the universal Church contrary to pleasure, and have the supreme and full power of those Pontiffs confined by no limits. Is this not sufficiently restrained by that divine and natural law, which subjects to it alone that power which has been entrusted for the building up of the Church, which forbids its abuse, and whoever would turn it to destruction? Indeed since the canons have been established for the building up of the Church, even by those same canons can the Supreme Pontiffs be said to be constrained in some measure, insofar as when they are in force they are bound by natural and divine law prohibiting that without just cause they be dispensed from, or any arbitrary change be introduced: since even in the customs of particular churches established with no canon but by custom alone, where even a useful change is treated, great caution must be used: *For indeed the change of custom, even one that helps by utility, disturbs by novelty,* as Augustine rightly warned (1: Augustine, Epist. 54, al. 118, ad Januarium, n. 6). I would like the adversaries to consider these things carefully: and whether those who assert the most full and supreme power, yet circumscribed by the limits of divine and natural law, and not departing from the norm of received canons except where expedient or necessary, assert it dissolved and in excess — let them decide with equitable judgment; and as I am confident, they will recognize and reject the

objection as full of ill will. This will be much more apparent to whoever considers the power of dispensing, derogating, or changing in canons of discipline, which is attributed to the Pope solely from the just cause of public utility or necessity; those canons themselves are not at all impeded: *because* (as Symmachus Pope praised by Bossuet taught in his epistle to Avitus) (1: Bossuet, Defens. lib. 10, c. 19) *that which is done beyond the Rule, provided it be FROM JUST CAUSE, does not infringe the rule — which only stubbornness and contempt for antiquity harms. For although what has been established by the Fathers must be observed with diligent observance and kept with observant diligence; nevertheless on account of some good something is relaxed from the rigor of the law, which the law itself would have provided for if it had foreseen: and it would often be cruel to insist on the law when its observance seems prejudicial to the Church; since laws were passed with the intention to profit, not to harm.* By this one testimony the careful reader will find our opinion confirmed.

CHAPTER IV.

On the Canons of Discipline Issued in a General Council which Lack the Pontifical Assent or Confirmation.

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§. I. Canons of this kind not approved by the authority of the Supreme Pontiff do not bind him.

Having dispatched the first part of the question concerning the canons of discipline in a general council which the authority of the Apostolic See has approved, we must now deal with the other part concerning the canons of general councils to which the assent or confirmation of the Supreme Pontiff was lacking. That these do not bind the Pontiff himself no one will readily call into doubt, if memory recalls the famous canon for the prerogative of the Constantinopolitan See established at Chalcedon, which was for so

long void and null of itself as long as the Roman See lacked its assent. St. Leo himself considered himself so unbound by that canon that he repudiated it most vigorously. Nor can you say that the same canon obtained effect even with St. Leo's contradiction. It obtained indeed in the East — it obtained, but by deed, and by the cession and assent of those whose interest it was, not however by right, so as to compel Westerners or the Easterners themselves; much less so as to compel St. Leo, who is also praised by adversaries for the zeal and constancy with which he resisted. Nor could he oppose it for this sole reason alone that the Nicene canons were being attacked, but also because a canon in even the most frequently assembled synod to which Pontifical approval is lacking is not an ecumenical synod's canon, nor can it be called such. Since the authority of general councils is equal, but in matters of discipline which are subject to variety, a synod that is truly general can abrogate and change what has been established in another general synod; for what reason could the Chalcedonian synod not derogate from the Nicene canons in issuing a canon for the prerogative of the Constantinopolitan see, unless because these, confirmed by the Roman See, could not be infringed by the Chalcedonian decree which had not obtained the approval of that see?

What so? Because those obtained the force and authority of a general synod by virtue of the approval of the Roman See, and therefore were consecrated by the veneration of the whole Church; but the remembered Chalcedonian decree, lacking its approval, lacked the authority of a general Synod, which arriving — as afterwards finally happened — allowed the discipline of the Nicaean Council to be changed in the Chalcedonian.

To refute this most clear argument, those two things which Bossuet offered are too weak (1: Bossuet, Defens. lib. 8, c. 8, t. 2, p. 85). He says first that those who object these things *do not understand the state of the question at all. For we defend the Constantinian Council so that the authority of the Council may be recognized in faith, in schism, in general reformation to be promoted. But the Eastern Bishops consulted this canon for the Bishop of Constantinople, gratifying the Emperor — not providing for faith, not for schism, not for general reformation: indeed they overturned the right order and honor of*

the primary sees established from antiquity, which seemed to conduce to the universal Ecclesiastical good... and thus whatever was done by them does not pertain to our question. Nothing but smoke and confusion of the matter. Is not the true and genuine present question in this — whether a general Council per se is of greater authority than that of the Supreme Pontiff, so that its decrees bind the Pope himself even unwilling, and do not need his approval and consensus for binding him? Who, through the Pontiff being per se superior and of greater authority, would be only in those three graver and more extraordinary cases of which the Constantinian Council speaks, and not in others of even greater authority? I know that Bossuet elsewhere restricts the necessity of general councils to those three extraordinary and very rare cases, lest if he had extended it to all the more frequent and obvious he would seem to favor that improper tribunal which is never at hand to those appealing. Of the authority itself of general councils, on whatever occasion they meet, if per se they are above the Pope, to be compelled within those rarer cases is not permitted; and canons of discipline issued by them ought to bind the Pope himself, if per se he is an inferior, just as they bind any inferior Bishops. The right order and honor of the primary sees established or confirmed by Nicaean institution, since it is neither of divine nor natural law, with changed circumstances of affairs, by a subsequent ecumenical council of equal authority could have been changed without the assenting Roman Pontiff, if for the force of this general council its approval or assent were not required. The canon was set against the absent legates in action XV. while the Fathers were thinking nothing of contradiction. But when in the following action XVI. with the legates present it was rejected, did the Fathers of the Council contend that the canon established by the consensus of all would not lose its general council force on account of the dissent of this general council, nor could it be made void by the Supreme Pontiff himself as of lesser authority? Indeed the whole synod, the Emperor himself and Anatolius the CP. Bishop wrote to Leo petitioning that he would deign to approve the canon; and the synod Fathers used these words, addressing the Pope as superior as if they were inferiors: *We ask therefore* (1: Ep. 98, al. 77, inter Leon. c. 4) *your sentence, our honor befitting judgment; and just as we have conferred consensus to the BODY, thus the*

HEAD also, what befits, may fulfill. Is not the head superior to the members, but the father while sons are inferior? Who therefore denies that the Pontifical consensus was required, which the Fathers of the general Council itself so expressly and necessarily recognized, as Anatolius testifies (1: Inter Leonis epist. 132, al. 105, c. 4), *that all force and confirmation had been reserved for your Beatitude's authority?* Nor was there any other reason for it being reserved after the decree absolutely issued by the Fathers, except because with the contradiction of the legates heard, the Pontifical approval for the force of the general Council was necessary.

Furthermore the other thing which Bossuet submits somewhat destroys the thesis he was obliged to establish. *In setting that canon,* he says of the Fathers of the Council who were Easterners, *no synod exercising general authority from whose decrees the whole West with the Apostolic See was receding:* for in the council besides Easterners alone from the West, only the Pontifical legates were present, who had protested against the canon in the name of the Pontiff. If these, or the Pontiff having assented to the praised decree, had obtained the force and authority of general council, even though other Western Bishops who had not accessed that synod had not declared their assent? But the Fathers petitioned only the sole approval and confirmation of the Pope (Ep. 98.), and Anatolius declared the whole force of his judgment reserved to him; and the adversaries themselves, as I think, will not deny it. The synod of the Orientals therefore, and its canons, require the confirmation and assent of the Pope so that they may obtain the force and authority of general council; but they lack such authority and force if that assent is lacking, as is made manifest. Thus while our thesis, which requires the Pontifical approval, is clearly proven by the Chalcedonian deed, the contrary presumed by Bossuet is destroyed and repudiated by the same Chalcedonian deed. But I will add other more evident things.

§. II. On the Necessity of Pontifical Approval in Canons of Discipline, so that they Obtain the Force and Authority of a General Council.

The necessity of pontifical approval or consensus is indeed demonstrated by the common notion and nature of the general Councils themselves. For what is a general Council, except a convocation and assembly of Bishops from the whole Christian world under the Roman Pontiff, the head of the whole Church? In order that a synod be truly ecumenical, it is not at all necessary that all Bishops convene, since this is almost impossible; and even if it were possible, it would not be expedient for all to leave simultaneously their proper churches everywhere. At the Roman Pontiff, however, for him to be present either in person or through legates at an ecumenical council, it is so necessary that, if he is absent, the synod, even if most frequent in number of bishops, is not general, nor can it be. The synod is of course by itself of the greatest worth among particular councils, since by the Bishops congregated from the whole Church it represents the universal Church from any particular councils, since it represents the universal Church by virtue of Bishops congregated from the whole Church. But since this is the visible Body of Christ, it needs a visible head to be provided to it, which was itself constituted in S. Peter and his successors by Christ. This head, per se carrying the person of the Church (as Augustine speaks of S. Peter), how it may represent the Church is easy to explain and understand: but only the body not thus; since the body without a head is a trunk, which represents neither the whole man nor can represent it. Bishops, who are heads of their own churches, metropolises, or of more extensive dioceses, can represent the person of those churches; but no one of them is the head of the total Church, no one can carry the universal person, nor represent the same universal Church, except the Supreme Pontiff, who alone by divine right is the head of the whole Catholic Church. But this head is not only necessary for the material presence of a general council, but especially for direction and assent, which principally befits a head above all members. S. Cyprian, who defined the Church (Ep. 69.) as *the people united to the priest, and the flock adhering to its pastor,*

designating by the words of priests and pastors the Bishop of each Church, held this necessary and essential part of each particular Church so that he did not hesitate immediately to subject: *the bishop is in the Church, and the Church is in the bishop;* which do not obscurely signify, that without a Bishop, who presides over the Church as a head, the mystical and visible body of the Church cannot be constituted and understood at all. For a head which is necessary in any particular church — is not the same ratio of necessity to be acknowledged, at least not less, in the universal Church and in the general synod, so that the successors of S. Peter as heads of the universal Church and of general Councils, using the power handed over to them by Christ, direct all things not less by counsel, than they reinforce by authority and consensus? This consensus which the adversaries' frequently cited and ingested axiom indeed demands, which places the whole maximum and utterly invincible force of all general Councils in the consensus of the body of Bishops with the head. Looking to this Bossuet (lib. 7. *Defensionis* al. 10. c. 13. n. 9.) after certain praised things from the acts of the Ephesine and Chalcedonian council words, by which that same consensus is expressed, wrote: *This is therefore the supreme authority, the supreme force, which is joined by members to themselves and to the Roman Pontiff: that which from consensus is the invincible robur of Ecclesiastical judgment.* And similarly lib. 8. c. 9. pag. 87, establishing as it were a character *by which ecumenical synods are asserted to be,* he says it is *the universal consensus of the Church joined with the confirmation of the Apostolic See.* Where therefore the consensus, or approbation of the head is lacking, from the sole suffrages of the Bishops there will not be the supreme force of decrees, nor that invincible robur which is proper to a general synod.

But if the jurisdiction of the Church given by Christ the Lord is considered, from which the force of general councils most depends; the adversaries affirm this immediately conferred (Vid. sup. c. 1. §. 1.) upon Peter and the Apostles; by the name *Church* they understand without doubt the Bishops as successors of the Apostles, and the Roman Pontiffs as successors of S. Peter, from which with the general council, the general council also declares the same jurisdiction immediately handed over and competent. The

jurisdiction itself with the keys and the power of binding and loosing promised to S. Peter per se, and given to the Apostles per se and separately from Peter, but afterwards handed over not separately from Peter but together with Peter as superior, we observed c. 1. num. 11. since indeed the Apostles and Bishops, as successors of those, have jurisdiction in unity with Peter and his successors, not however outside and much less contrary to this unity, nor contrary to the head itself, the center and root of unity: but this head received jurisdiction and keys separately without the others, or from others independently, can bind others, but cannot be bound by those others, who only in his unity obtain their jurisdiction. Where therefore in the decrees of general Councils the assent or confirmation of the Roman Pontiff is lacking; what is most necessary is absent, so that the decrees may have the force and jurisdiction of a general council. Since of course the Church received jurisdiction from Christ only in Peter and in unity with Peter; how will ecumenical councils representing the universal Church be able to exercise the jurisdiction of decrees, which proceed neither with Peter, nor in unity with him himself? Hence from the most frequent decrees of synods also, with the assent or confirmation of the Apostolic See lacking, the force of a general synod cannot be attributed; and although certain discipline decrees were able to bind and compel those who were subject to the Bishops of the same synod, the Roman Pontiff not contradicting or not irritating; they were nevertheless not able to compel and bind the supreme head; for whom none of them had any right, as from the Chalcedonian canon praised before it is manifest. For this reason the consensus and approval of the Roman See has been sought from ecumenical synods even in canons of discipline, as from the gestures of Nicaean and Ephesine, Chalcedonian etc. it is clear, and not from the most recent Tridentine General Council. Why would such anxiety for obtaining confirmation have existed, if it were not persuaded that without it the force of ecumenical synod decrees and canons was lacking? Indeed that sentence of S. Leo is true, Epist. 104. al. 78. written to the Emperor Marcian on the occasion of the mentioned canon of Chalcedon constituted for the prerogatives of the Constantinopolitan see; the same Pontiff not wishing to approve it: *Nor beyond that rock which the Lord placed in the foundation, will there be any stable construction.* The adversaries

themselves in the declaration of the Gallican Clergy in the year 1682, asserting the force and authority of ecumenical synods to Constantine's decrees, affirmed this *approved from the Apostolic See* n. 2; whether they affirmed truly or falsely, we shall afterwards examine c. 7. What those general Council decrees obtain, with the coming approval and assent of the Supreme Pontiff, are of the genus of which we treated in the preceding chapter, by none of which is any coercive law over the Pontiff established, nor any jurisdiction of the council itself built up over him: for all force, which depends on someone's assent, excludes all coercion and authority and excludes coercion and authority. But those decrees, which lack such approval and consensus, and on account of that defect of the general council have no force, how can they oblige and compel the Pope, whom adversaries claim to be subject solely to the general council? No one coherently reasoning understands this. For what general council decrees are called and said, which on account of that defect are deprived of the force and authority of a general Council?

But I shall be more tedious in these matters, if the force of coercive authority in the Pope from these decrees, no one has suggested, unless he first shows that the Fathers of the Council, when they establish something in the matter of discipline, without the assenting or even dissenting Supreme Pontiff, although they are inferiors per se to even the Supreme Hierarchy, yet have jurisdiction over the same superior of theirs, which is plainly repugnant: for no one unless superior can have or exercise coercive jurisdiction over inferiors, their subjects. This most cogent reason, and *a priori* (as the schools call it), unless the adversaries answer it with an equal response, they will labor in vain effort.

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§. III. – On the Right of the Supreme Pontiff over all Bishops even Collected in a General Synod, from which he cannot be compelled by the conciliar decrees in the matter of discipline lacking his approval. The Distinction between Bishops taken

Distributively, or taken Collectively introduced by Adversaries, is vain, and repugnant to the reason of primacy.

See then what those have devised, to elude the most efficacious argument as mentioned. They say that indeed the coercive right belongs to no one among the Bishops and Fathers of the Council, if separately and distributively they are considered, against the Pope, who is superior to each individual; but differently to be thought concerning all taken collectively and united in a general Council. Let the adversaries prove this distinction by some ancient text. The ancient tradition of the Church is contrary. For to the Roman Pontiffs the right has been attributed by the ancients not only over individual Bishops distributively taken, but even collectively over all and the universal Church. For as the ancients everywhere affirm, S. Peter was placed over all the Apostles and the whole Catholic Church; thus also of his successors of S. Peter, they equally pronounce to all not only the faithful, but even to Bishops, the successors of the Apostles, and to all the prefects of the Church. Let be heard from the ancient Gallican Bishops the Metropolitan of Arles, who in the Epistle to the Great Leo did not hesitate to write (Ep. 65. al. 29. c. 2.): *Through Blessed Peter, the prince of the Apostles, the holy Roman Church holds SUPREMACY OVER ALL THE CHURCHES OF THE ENTIRE WORLD.* Let also the other Gallican, S. Bernard, be heard, who expressed the doctrine of the earlier Fathers and of the Gallican, indeed of the Catholic Church: *The plenitude of power OVER ALL THE CHURCHES OF THE ENTIRE WORLD singularly bestowed as a prerogative of the Apostolic See.* Not over individual ones, he says, but over universals, he designates the power accepted collectively over all. In this the heads of the churches of Bishops are comprehended, and all indeed collectively, as those same things of the same Saint declare from the second book *de Consideratione* to Pope Eugenius c. 8. n. 15. *You are the one to whom the keys were entrusted, to whom the sheep were entrusted. There are indeed other guardians of heaven, and other shepherds of flocks; but you inherited both names more gloriously and differently than all others. They have been assigned their own particular*

flocks, individual ones; to you all are entrusted, one each. Not only a flock of sheep, but ET PASTORUM you are THE ONE PASTOR OF ALL. Whence do you seek this proven? From the word of the Lord. For to whom not only of the Bishops, but also of the Apostles was it said so absolutely and indiscriminately that all the sheep were committed? *If you love me, Peter, feed my sheep. Whose? Of this or that people of the city, or region, or of a certain kingdom? My sheep, he says. For whom is it not clear that he designated not some, but assigned ALL.* And after a few things about Bishops n. 16. *You are called to a part of solicitude; you are called to the plenitude of power. The power of others is limited by certain bounds; yours extends even to those who have received power over others.* And then: *Whoever of the others* (of Bishops) *has his own; one ship of the most famous made from ALL this UNIVERSAL CHURCH diffused throughout the whole world is committed.* Who presides over the universal Church, and over all pastors and Bishops by jurisdiction, does he not have over all collectively?

Hence in the decree for the union of the Greeks, which the Greeks themselves subscribed in the Florentine Council, it is read *definitively,* that *the Holy Apostolic See and the Roman Pontiff holds primacy OVER THE ENTIRE WORLD, and the Roman Pontiff himself is the successor of Blessed Peter the prince of the Apostles, and the true Vicar of Christ, and the head of the whole Church, and the father and teacher of all Christians, and to him in Blessed Peter the full power of feeding, ruling, and governing THE UNIVERSAL CHURCH by Our Lord Jesus Christ has been given.*

Certain adversaries preferring here the reading of the edition of the year 1526, expressed in these words, *according to the manner which both in the acts of the councils and in the canons is contained,* contend that the power of the Pontificate in the universal Church is subject by the force of those words to the canons of the councils, and condemn other editions, as if they were to exhibit the text corruptly. But there is no need for editions; five or rather six original Greek and Latin exemplars survive with autograph subscriptions, which the words exhibited by me vindicate, and those of the 1526 edition

ignore. See about this matter the different Cardinal Ursio with P. Thoma Mamachio lib. 6. of the Roman Pontifical authority cap. 11. art. unico, where five original exemplars are praised (the sixth, which I added from our Maffeio Hist. diplom. l. 1. p. 87. kept in the public archive of Bologna) and the genuine sense of those words, coherent with the Greek text and with the actions of the councils themselves, demonstrates and removes every evasion from the middle most fully. Even if the reading of the 1526 edition *according to the manner etc.* should be received, nothing would be disturbed, nothing offended. For who has ever denied that the Roman Pontiffs in feeding, ruling and governing the universal Church of Christ ought to adhere to the mode contained in the sacred canons, which those Pontiffs themselves also profess to follow? Nothing here is in question, as there is nothing, just as I said in the preceding chapter about the Pontifical professions, of which I spoke in the chapter preceding n. 1. and 2. But the whole question is, whether they ought by the law of those same canons, to which the assent of the Pontiff was lacking, and if to their own coercive law they are subject; or truly by that higher divine and natural law, which without prejudice to the supreme authority obliges, as by that same head we explained.

This same power of the Roman Pontiff in all the Churches the general Nicaean synod sufficiently clearly presupposed and indicated as it were, when it decreed that the paschal day should be observed annually from the Alexandrian church on account of its peculiar skill in the calculation of the calendar, to the end that it as *pro sua auctoritate* in all the universal Church should lead all to celebrate the same day without any dispute everywhere. Thus Cyril the Bishop of Alexandria writes about this Nicaean decree in the prologue paschal found in Bucherium: *With these then, and such dissensions* (about the paschal day) *the rule of all was disturbed; by the consensus of the holy synod it was decreed, so that since such a church was found in Alexandria, skilled in the science of this, how much of the Calendar of Iduum, how much the Moon the paschal ought to be celebrated, through individual years the Roman Church would give notice by Apostolic letters, so that the UNIVERSAL CHURCH APOSTOLIC AUTHORITY throughout the*

whole world the defined paschal day might know WITHOUT ANY DISPUTE. You see the coercive force attributed to the Apostolic authority in the universal Church, which would remove all doubt about the matter? Why was this attributed not to the Alexandrine, but to the Roman Pontiff? Not from delegation of the council itself, but from the Apostolic its own authority, since not the Alexandrine but the Apostolic authority was sufficient per se to compel the universal Church, as the Nicaean Fathers certainly knew?

Those who oppose to these testimonies the decretal *Inter cuncta* of the Constantinian council approved by Martin V. in the final session, where the Wicleffe proposition, *It is not of the necessity of salvation to believe, the Roman Church to be the supreme among other Churches,* is configured by this censure: *Error, if by the Roman Church he understand the universal Church, or a general Council, or for how much it negated the primacy of the Supreme Pontiff over the other particular Churches,* to which last words of *Churches* he understands those *particular ones* not the universal Church itself, nor the general Council representing it, subject to the primacy or Pontifical jurisdiction. Martin V. himself transcribed these same words from the acts of the Fathers of Constantia in condemning the errors of Wicleff; but the Constantian Fathers rightly noted as an error, and the error is clearly contrary to faith, to deny the primacy and the jurisdiction of the Pontiff over particular churches. But by the same error equally it could be said to negate the primacy and the jurisdiction of the Pontiff over the universal Church collectively taken, about which thing then there was so great a controversy, that who does not see that it was not less necessary to decide on the right of the Pontiff over the general synod by the Fathers in the same council, in which it was thought necessary to attribute to the Pontiff the right of a general synod? Since therefore Martin V. at the end of the synod received those words and confirmed those inserted in his constitution, he received and confirmed what was certain and true from the Catholic faith; nor is this same approving the same thing as denying the power of the Pontificate in the universal Church, but it is only that much to pass over, which was then brought into great controversy among Catholics, so that it was able to be affirmed as certain from the Catholic faith from that

part, which respects particular churches. Hence therefore it can only be deduced that the primacy and the power of the Pope over the universal Church collectively taken, and from consequence over the general synods representing it, then was not defined. Now indeed that what then was not defined, from the testimonies of the ancient Fathers and other moments brought and soon to be brought forth, is sufficiently and manifestly gathered, that anyone not preoccupied by the adversaries' prejudices will easily recognize.

The ratio of Pontifical primacy itself demands it. For since primacy was instituted not of mere honor and order but of a peculiar jurisdiction by Christ for the good of unity of the Church (Vid. De vi primat. c. 8. et 9.), so that with a head constituted, the occasion of divisions and schisms be removed; it must have coercive force in all collectively, without which the way for schisms and divisions would lie open, and the good of unity could not be obtained. Hence for what reason that force in individuals is conceded by adversaries from the cause of primacy, the same in all collectively is to be conceded, since the unity of the universal Church comes not from individual ones only, but from all collectively taken and united into one. Even if these are not thought to hold in the matter of discipline, in which the unity of all is not so necessary, as in the business of faith; is it not from the primacy of Roman Pontiffs the right and power given by the holy Fathers to receive not only individual laws of discipline, but also to enact laws of discipline, which from the nature of laws not only individuals but all also oblige? A head, which presides not so much over individuals as over all members, rules and moderates not so much the individual as the whole by its own right. When the Chalcedonian Fathers wrote to the Pope Leon: *As over members you, the head, preside;* is it not that it says that you preside with authority over them taken collectively as the head grants authority to them? Do not the Fathers also united in the Ephesine synod, when they declared themselves *compelled by letters* of Coelestinus, to ferrying the sentence against Nestorius, recognize coercive power over themselves collectively? The chief pastor, to whom subordinated and subject inferiors are, is able to command not only individuals, but even all. The duty of

obedience also, by which individuals are bound to the Supreme Pontiff, with no one excepted, all also taken collectively are constrained. Rightly therefore among the most recent heterodox Jo. Laurentius Moshemius in a dissertation *On the Appeals of the Gauls to the Universal Council of the Church, destroying the visible unity of the Church,* briefly refuting with a few words this famous distinction of the most eminent Pontiffs' power in all individually or distributively taken, but not collectively truly written: *That the Pontiff presides over all individual churches, not the universal Church, thus it seems to me, as if someone would affirm that the members are indeed ruled by a head, but not the body which consists of members, or that the Pontiff presides over cities, villas and estates, but not over the province itself which is contained by these.* Bossuet even though he has somewhere introduced the distinction of distributive and collective; yet in *Defensione* lib. 10. al. 15. c. 5. does not hesitate to affirm that the Roman Pontiffs *preside over the universal Church;* which from the ancient formula and common sense denotes the whole Church collectively accepted.

I would like to hear whence the adversaries gather and prove, that the Pontifical right, which they cannot deny in individuals, cannot equally extend its force in all in an ecumenical synod assembled. They would perhaps say from the nature of a general council, in which the total right of the Church resides? Who would assert this, to the council separated from the head, to which of course the head does not give assent, he would incur that vicious question which they call, petitioning the question; for by detracting the authority of general council from decrees issued without the assent of the head, we have seen the force and authority of the adversaries themselves to be placed in the consensus of members or the body of Bishops with the head. For from the sole legitimate convocation, to which the Pope gives assent, the force of a general council is acquired by the Fathers collectively taken, so that even without the assent of the head, or rather with his dissent, all decrees oblige even the Pontiff? Is not the second Ephesine Council legitimately convened, with the assent of the head lacking, and was it not able to do anything not only in the matter of faith, but neither in the business of discipline? Was

the Chalcedonian legitimately convened? Why then did not the canon for the prerogative of the Constantinopolitan see, to which the Pope's assent is not given, obtain the force of a general synod, from the very legitimate convocation? Did the Fathers of Chalcedon themselves not, having especially sought the Pontifical approval for that canon, acknowledging the necessity of Pontifical approval, presume that the legitimate convocation alone was in no way sufficient for coercive force?

No one left destitute of all other assistance here, to persuade that the argument from distributive may less rightly be deduced to the collective, should bring an example of him who is able per se to move and carry individual stones of a certain great heap, but not all collectively; or of him who is able to conquer individual enemies fighting, but not all collectively. For these points are essential to the present matter, which does not concern the physical force of bodies or similar things, but about the power of authority and jurisdiction to no one subordinate, and supreme, which he who enjoys distributively in individuals, also collectively enjoys in all, since not so much over individuals as over all by jurisdiction it presides. Thus the Lord has not so much jurisdiction over one family's individual men, as over all collectively; the King not so much over individuals, as over all his kingdom's subjects; the father not less over individuals, than over all sons etc. nor will any example be found of him who has authority or jurisdiction in individuals, who does not also have it collectively in all. How therefore is this distinction built up in the Supreme Pontiff, who by the force of primacy was placed over the universal Church, and so placed for the good of unity, that unless he could compel all collectively to those things which the unity of the Church necessary respects, that is to the unity of faith and communion, the institution of Christ would be vain and inefficacious? From this Pontifical power in all collectively also for unity and communion and faith it was of profit, as we elsewhere warned, that supreme and most full power of Roman Pontiffs in the universal Church in other matters, which the government of the same Church useful or necessary seems, even if in those same the unity of all is not equally necessary, as in the business of communion and faith: nor indeed the same, who is placed

over individuals distributively, is said to preside over all collectively, per se from a part. But if from the constitutions of the Roman Pontiff the right is in all even Bishops collectively taken, no less than in the universal Church; how can to Bishops in the general synod collectively assembled the right be in the Pontiff himself? For a right mutually repugnant per se from both sides to build up is permitted? Since therefore the right of the Supreme Pontiffs in all collective Bishops and over the general Councils themselves from so many moments of proof has been established, it will always be in vain the attempt of those who the right of those Councils over Pontiffs on no ancient firm foundation based, indeed repugnant to all antiquity, and to the proper reason and jurisdiction of the primacy, undertake to defend. That which I said *on no ancient firm foundation based, indeed repugnant to all antiquity,* will be much more evidently apparent if we detect the true origin and novelty of the adversaries' opinion.

CHAPTER V. – On the Late Origin and Novelty of the Opinion which Attributes Coercive Authority and Right to General Councils over the Supreme Pontiffs.

If all antiquity is surveyed, with many documents indicating that supreme authority of the Supreme Pontiffs in the universal Church, which flows from the law of primacy by divine right; and indicating it indeed in the total Church also collectively taken, as the ratio and scope of primatus demands; then indeed no ancient document will be found which subjects them to the jurisdiction of a general council. To demonstrate this it will be useful, recalling the ancient deeds, to inquire the beginnings of that opinion, which asserts the right above Pontiffs to general councils.

That novelty and late origin of opinion in matters of certain faith is an error mark among all Catholics agreed from the principles of Tertullian, Vincent of Lerin and other Fathers: for the dogmas of faith since they come from divine revelation, or from the doctrine which Christ or the Holy Spirit taught the Apostles, cannot be new; and whatever afterwards introduced cannot show an ancient origin, is not to be referred to revealed dogma, but to error. It can indeed happen that some doctrine handed down by Christ and the Apostles, which from the beginning of the Church has been explored as certain dogma, may be obscured in the course of time by the opinions and disputations of men, so that as long as it is controverted among Catholics before the definition of the Church, neither part has certain dogma, Nor should they be considered heretics for defending a view that is repeatedly declared to be erroneous and false by the Church's definition. Thus the opinion of St. Cyprian and of the other African and Asian Bishops about baptism conferred outside the Church was not heresy, before the definition of the Church came out: and similarly it cannot be noted of those whose opinion was not yet defined, the ceteroquin Catholic sense, who for the thing not yet defined subject the Supreme Pontiffs to the jurisdiction and authority of general councils. It is nevertheless useful to dispute about the origin of this opinion; and if it succeeds in showing me that it was

newly introduced among Catholics and received on the occasion of the most pertinacious schism under the time of the Councils of Pisa and Constance, its very novelty will demonstrate its falsity.

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§. I. On the Actions of General Councils up to the Eighth Ecumenical Synod.

Since from the very beginning of the Church it had been established and explored among Catholics from the divine institution of the Pontifical primatus, that the Roman Pontiffs have jurisdiction in the universal Church; whether the general councils themselves, which represent the universal Church, were subject to them, was not in doubt among them. Only heretics after the condemnation of their errors appealing from the sentence of the Pope to an ecumenical synod, were pretending to prefer the authority of the Pontifical superior: for appeal properly said is deferred from an inferior to a superior. But since those themselves rushed to it not from the Catholic sense (for all Catholics condemned such appeals), but from pertinacity in error, to subtract themselves under color of a legitimate sentence of appeal from a legitimate sentence; these examples of erring and pertinacious men could prove nothing and convince Catholics. The Fathers of general councils, truly, how much they deferred to the Apostolic authority not only in matters of faith, but also in matters of discipline, so much rather than in these they needed the general synod's force for the Pontifical assent, is clear from the constitutions c. 2. et seqq. When the Ephesine Fathers called themselves *compelled* by letters of Coelestinus to ferry the sentence against Nestorius, which from the part of the definition pertained to faith, and from the part of the judgment around the person of Nestorius looked to discipline; in both matters they plainly declared the Pontifical right per se and over the general synod coercive enough.

Bossuet, in order to constitute the contrary antiquity's opinion, although he spent most diligently all the ancient general synod acts and documents; yet nothing could find, from which the right of those above the Roman Pontiffs could anywhere be gathered. Only he

excerpted certain deeds, by which a new examination, a new judgment after the Apostolic definition was instituted. But this was instituted, unless so that doubters might be recalled to the unity due to the Pontifical definitions, or the heretics' pertinacity might be more openly refuted (see what we have adduced about this matter *De vi et ratione primatus* cap. 13.); none of these prove for asserting the kind of Conciliar power above the Pontifical definitions themselves, especially if those are to be said infallible from the constitutions established cap. 13. which Bossuet himself exploring affirms (Dissert. praevia Defensioni c. 2.), *infallible, to which indeed in such a thing it is sacrilegious to be subject.*

From the ancient synods one thing can be opposed which seems the sixth Council, which condemned Pope Honorius with anathema. But that this should prove the general conciliar jurisdiction over the Supreme Pontiffs, is completely inept. For in order that this deed prove it, two things would have to be proved, namely that Honorius, already long removed from the living, was still actually discharging the Supreme Pontificate, and that the Council exercised true jurisdiction in him. But both are false. For the Supreme Pontiffs, together with losing the actual Pontifical life, carry with them not the primatus, but leave it in the Apostolic See to be transferred to successors: and just as the primates can exercise no primatal jurisdiction in the Church; Thus, the official ecclesiastical jurisdiction and power that Christ handed over to Peter, the Apostles, and their successors applies on earth only; it does not extend to the dead, whose judgment is reserved solely for God. , as Saint Gelasius warned in the epistle to Dardanos about the case of Acacius, and in the synodal deeds about the absolution of Miseno. Condemnation and anathema, which is sometimes issued by the Church over the dead, as over those who had died, is not an act of jurisdiction properly said in them, as if death outside the Church's judgment constituted could bind or loose them, nor change the lot of those, to whom after death the divine judgment decreed, (Indulgences for the purification of souls given by the Church by way of prayer are not to be considered an exercise of official legal authority); but all their force and jurisdiction considers the living, so that those absolved ex. gr. from

excommunication may obtain Ecclesiastical burial, and be helped by suffrages; or those condemned ex. gr. for error, which they taught, or whose favor they rendered, take care lest they be deceived by their writings or authority. Thus, Honorius was condemned because he acted improperly regarding the Monothelite heresy—a topic we addressed in the previous work (*On the Force and Reason of the Primacy*, Book 15, Chapter 9; see Appendix, Section 10). He is judged to have favored the Monothelites, not by approving their doctrine, but by failing to condemn it. While this omission may appear to have been made in good faith due to the complex circumstances at the time, it was condemned so that his error would not allow the Monothelites to claim the Pope's patronage for their views. Not therefore in this sense condemning the Fathers of Council VI. can you say that from those they judged the Pope infallible in the matter of faith, since with me in the deed as it was established, I truly claim them not to have this altogether, those to whom the thing had been shown, and which the error of the Monothelites' private sense from the Apostolic tradition's teaching, not the Papal heretical dogmatic definition affirmed. We must take into consideration our reserved opinion regarding Honorius, which we discussed in the previous work and will address here in Chapter 9, Sections 11 and 13.

Noteworthy above all is the phrasing of the second allocation of Hadrian II. to the Roman synod Fathers, which was read and inserted in the deeds of the eighth ecumenical Council act. 10. (T. 10. Concil. Ven. edit. Colet. col. 397.) *The Roman Pontiff we read of having judged all the churches; of him truly judging we read of none.* For Honorius from the Orientals *AFTER DEATH* (since he was no longer actually a Pontiff) let *anathema be said;* yet it is to be known that, *which was alleged above heresy's accusation,* on account of which alone it is licit to the minors to resist the motions of their majors, or to repel the depraved senses: *though even there* (in the case of Honorius) *neither the Patriarchs, nor any of the other priests, to whom it was lawful to pronounce any sentence on him, unless the authority of the primary see's Pontiff had preceded.*

So fully persuaded were the eighth synod's Fathers that, with the primary see's sentence against it, no one could be sent before the Roman Pontiffs, so that neither the ecumenical

councils themselves attributed this power to themselves. Act 10, Canon 53 (found in Column 879, section D) be: *If against the Roman Church any controversy from an ecumenical synod gathered arose; it shall be permitted with decent reverence about the proposed question to ask with veneration, and to accept the answer, and neither against the senior Roman Pontiffs' sentence to say.* In the Greek text the word is read, This is interpreted here as 'to deliver a judgment.' However, if we look at the proper sense of that word, it signifies summoning to court rather than implying a hidden meaning or using the more common formula. Why in a general synod assembled is it not permitted unless by impudence and temerity to call the Roman Pontiffs into judgment, or to say a sentence against them, when the cause is justly believed, if a legitimate jurisdiction of the general council over them is held? This testimony of the ecumenical synod provides others of any later and far less age and of changing authority, which can be opposed by adversaries, easily and enough. This is indeed a certain general Council canon, by which the Roman Pontiffs are subtracted from the ecumenical synod's sentence and jurisdiction, sufficient and above all excess, or the mark of assentation removes from that general axiom, *The First See is judged by no one.,* which from antiquity and from a certain natural principle derived, the general also council's right in the persons of the Supreme Pontiffs evidently excludes. But Bossuet's explanation (lib. 10. Defens. c. 21.), which puts the same canon restricted to those cases, about which Photius acted against Nicolaus Pontifex, can hardly agree with the general words of that canon, which about any controversies and cases about the Roman Church or the Supreme Pontiffs sometimes to be excited, and to a general synod to be brought, a general rule constitute. Nor with the same Bishop of Meldense do you put the canon to be accepted about vulgar and ordinary cases, whose cause for convocation of a general synod would be *truly impudence* to accost the Pontifical majesty; but not to be understood about extraordinary cases memorized by Constantine, in which alone an ecumenical synod can pronounce about the Supreme Pontiffs in many places it declares. This indeed though in the appearance of a conciliar authority restriction and moderation it prefers (Compare infra c. 9. n. 2.); Yet, in reality, this is inconsistent with the principles of law. For if a general Council possessed the

inherent right to be above the Pope in extraordinary circumstances; Is this not much more true in ordinary matters of minor importance? The supreme judge's jurisdiction does not depend on whether a matter is extraordinary or ordinary; nor does one who is the legitimate superior in grave, extraordinary causes cease to be superior in common matters. Furthermore, this is especially true if we are not discussing a general Council called for a common case—which would involve all Churches through a general summons—but rather an ecumenical synod already assembled to which a question is brought for discussion. This is shown by the words: 'It is permitted, with decent reverence, to ask with veneration about the proposed question and to accept the answer.'

In this situation, which does not involve the extraordinary cases mentioned at Constance, why would it be called 'impudent' for a general council to speak against a previous Roman Pontiff’s sentence if the Fathers believed that a general synod inherently possessed authority over the Roman Pontiffs? How many minor causes of other Bishops, which are not considered extraordinary, have been defined in general synods? In cases concerning the Apostolic See or the Roman Pontiffs that were not only brought to an assembled ecumenical synod but also examined, can a sentence be called 'impudent' if it were carried by a superior investigating the cause of an inferior? This general censure in the cited canon exists for no other reason than that the Fathers of the eighth ecumenical synod—who, being mostly Easterners, are less suspicious because they were free from prejudice—did not believe a general Council inherently possessed any right over the Roman Pontiffs.

§. II. On the deeds of particular synods, and on certain more notable testimonies, which preceded the schism of the fourteenth century and the Councils of Pisa and Constance.

If none of the general synodal testimonies or deeds are of use to the adversaries' opinion; much less the deeds of particular synods will be able. For since it is established in Constantiensia, even by the adversaries confessing, that particular synods, just as particular churches, are subject to the authority of the Supreme Pontiffs; none of these indeed can of legitimate jurisdiction exercise in them, lest simultaneously they should be said to be subject and to preside; from which Bossuet, (*Defense of the Declaration of the Gallican Clergy*, Book 11, Chapter 4, Volume 2, Page 260.*)* further conceded, *the Roman Pontiffs, though they may seem to be subject, yet not subject to a particular council.* For this reason what is sometimes read about the Supreme Pontiffs accused of certain crimes in particular synods, even though it were of value to vindicate their innocence, and to declare the malice of their accusers; it confers nothing to building up the right of those Councils over them. Hence also entirely void must be held certain depositions of Pontiffs done by particular synods, or rather pseudo-synods. Even if the Supreme Pontiffs themselves, confident of their innocence, might voluntarily subject themselves to the judgment of a particular synod; that is to be attributed to the voluntary will of those Pontiffs, not however to the right of that council; as the Roman synod declared, which Charlemagne caused to be convened for the cause of Leo III., where it was decided: *It seemed to the most pious Prince, and the universal Bishops, and holy Fathers, who were there, that if* (of the Supreme Pontiff) *WILL had been, and he himself had petitioned, not however by their judgment, but SPONTANEOUS WILL he ought to have purified himself: and thus it was done.* These are the words of the Annalist Lambeciani, who lived at that time. By this same ratio Pope Damasus wished to purge himself, when attacked by

calumnies, *for the severer judgment of the priests to GIVE HIMSELF,* as testify the Roman Council Fathers in letters to Gratian and Valentinian Emperors (Epist. 6. inter Damasi apud Constant. n. 10.): *By severer,* they say, *judgments, because in synodal judgments not only those things were exposed which the accuser produced, but also the morals of the accused, and the whole ratio of his life to the accounts recalled:* from which it is added: *By whom not of the name, but also the ratio of morals is weighed, lest any existing slanderer, while he strives to wound the remembered man, be able to harm the very man whom his own innocence fortifies.*

If further the deeds of particular, and not illegitimate synods of this kind are considered, that principle will be found more and more confirmed, namely that the authority of the Supreme Pontiffs is eminent before all Ecclesiastical powers, subject to none. Notable are the accusations in Symmachus Pope brought at the Roman synod III. impelled even by Theodoric the King, delivered; the Bishops of his synod but declared the judgment competent to themselves on that cause, because *Nor prior times of the Roman church priests to any lesser judgment to be subject had been placed in a similar proposition of form easily to be shown:* by which words and the praised principle they express that this judgment of minors or inferiors is not at all competent to superiors, and moreover they add that by no prior times' example this is proven. Although Symmachus himself had subjected himself to their judgment, *weakening the summit of his purification,* prepared to act the cause before them (not that the right above him to act in his synod of Bishops he would recognize, but that by this purification he might make his innocence manifest before them); yet those alone to God the Supreme Pontiffs as superior considered, *the total cause of God reserved for judgment, consigned to divine arbitration.*

The same principle was also pressed by Ennodius afterwards Bishop of Ticino in the same Symmachus Apology writing: *If the assertion of Bishops is true, the prelates of the Apostolic See are never subject to the sentence of minors, why was he led to the judgment by a strict convention? Does he glory secure against him, who separates in it?* And after a few praised things of Pontifical humility, *by which even against himself, if he deserved,*

by revering the council's authority he indulged, he pronounces the Supreme Pontiffs' causes reserved to God his own judgment: *Others of men's causes perhaps he wished to terminate by men. The Prelate of his See reserved without question by his own arbitration.*

This very doctrine to have been in force also among the Gallicans of the twelfth century we learn from Ivo Bishop of Carnotensis: The privilege about investitures extorted by force from Paschalis II., great disturbances throughout the whole Christian world had stirred up, and this question seemed to pertain to faith on many sides. For this reason a few Bishops moved by zeal drove the same Pontiff himself, so that he would revoke the privilege. Guido Archbishop of Vienne and legate of the Apostolic See in the year 1112. convened in his Metropolis a provincial council, in which were present S. Hugo Gratianopolitanus and S. Godefridus Ambian. Bishops, the same privilege he rescinded; and with one epistle together with synodal decrees given to the Pontiff, by which all had rescinded the privilege, the confirmation of all in the name petitioned with this threat added: *If, which we least believe, you begin to adopt another path, and our paternal assertions to consolidate they would not wish; God may be favorable to us, because from your obedience you drive us away.* But this argument from Ivo allegedly proves the principle which we established, that no Bishop and no council can arrogate to themselves, nor by any other cause strip the person of the Pontiff of his authority and dignity, Since no one is superior to him, the Archbishop offered a very lengthy response to Ivo. However, while he addressed the other points as best he could, he failed to answer this specific reasoning entirely; it seems he knew the matter was already sufficiently certain in itself. Notable moreover the exception, by which alone in this case to be deprived of the power of the keys the Pontiff himself pointed out, *if he manifestly recedes from the Evangelical truth;* namely on account of the manifest heresy crime, which since from the Pontificate itself falling the Pontiff is no longer, it is not surprising if he should be stripped of the power of the keys, or rather stripped and deposed can be declared, as will be explained more fully Chapter 9. §. 2.

The exemption of the Supreme Pontiffs from the judgment of all men was also confessed by Philip, who contended about the empire with Otto: He wrote this to Innocent III in a letter recorded by Raynaldus in his *Ecclesiastical Annals* for the year 1206, entry number 16. *If we seem in anything to have offended you, or the Roman Church, we for the honor of the Lord our Jesus Christ, whose vicar in earth you hold, and for the reverence of Blessed Peter the Prince of the Apostles, whose vicar you are, and for our salvation we submit ourselves to satisfy you. If truly you seem in anything to have injured us or the empire; to your conscience on those we leave us. For since we piously believe both before and after the passion of our Lord Jesus Christ the keys of the heavenly kingdom have been conferred and given to Blessed Peter, and the right of binding and loosing; we know and protest, that you, who succeeded in his place with plenitude of power, in such articles are not to be judged by man, but your judgment and examination, which is owed to you alone, we do not seek to usurp.* He who reserved the judgment of the Supreme Pontiffs to God alone according to the ancient tradition affirmed; the same exempt from any even general councils' judgment. Wonderful moreover it would happen, if some adversaries the sentence of S. Cyprian, which in the council of Carthaginian III. he pronounced the judgments about Bishops reserved solely to God, introduced and forced, that they lead the Bishops themselves to the Roman Pontiff's judgment under reprehension; in the contrary reproof however they would not call it different from Ivo's and others' doctrine, which the Roman Pontiff is subtracted from the judgment of Bishops (Compare Vindicias in Febronium Chapter 8. §. 4.), by which those are superior by the law of primacy.

Under this time appeals from the decrees of Pontiffs to a general council began to be heard. But Catholics, who so appealed, did not understand a general council, which lacked the Pontifical consensus, to have coercive force in the same even unwilling, as a subject and inferior council; nor to be able to depose him if needed; from which the appeals of this kind were interposed so that in certain grievances the help of the Fathers of the council might be sought, not truly as if the right were in these over the Supreme

Pontiff to be arbitrated, so that it were to him, as needs be, to be deposed; Peter de Marca revealed that appeals made from the Pope to an ecumenical council are entirely foreign to our purpose and the ancient Catholic discipline. Appeals of this kind for the remedy of grievances more propitiously require a new recognition of the cause, which either once the indulgence of the supreme Prince was granted, so that by the same authority, by which the grievance was inflicted, it might be removed, nor superior authority were needed. To this species without doubt to be referred to is that notable appeal, which on the occasion of the most famous dissension between Boniface VIII. and Philip the King, the Gauls from the decrees of the same Pontiff interposed not only to the general council, but even to the future and undoubted and with Bonifacio the authority of the Pontiff, which from an inferior to a superior delivered cannot be said. Nor because of this provocation first to the general council was the authority of this Gauls' Pontiff superior held, who in such synods and decrees for the robur and force required the assent of the Pontiff, as is clear from the libello (It is found among the proofs of history) offered to Boniface's accusers oblated to Clement V. where they indicate, to damn, that the Boniface's memory should be held not needed by the general council, but the sole Pontifical authority would suffice, this ratio alleged: *For indeed you, Father most holy, Christ's Vicar representing the whole Church, who have the keys of the heavenly kingdom; nor the general COUNCIL is necessary WITHOUT YOU, AND UNLESS THROUGH YOU the business can be recognized.* Why then did the same Gauls call the appeal to the Pope as an appeal to a future, undisputed, or true and legitimate Pontiff, such as they had the successor of Boniface VIII. Clement V., the cause was done for this, because doubt between those themselves had been excited, whether living Coelestino V. whom some considered had not been able to renounce the pontificate, Boniface's election was legitimate. But this doubt was unnecessary: for the constitution of Celestine V had defined that it was lawful even for the Supreme Pontiff to resign. This was confirmed by another constitution of Boniface VIII, which was inserted into the sixth book of the Decretals and accepted by the entire Church, just as Boniface himself was accepted as the legitimate Pope. The authority and example of Paschal II (erroneously cited as Paschal I)

can also be added as confirmation. Long before Celestine, when Paschal was departing for the Pontine Islands, he believed he could renounce the papacy. He publicly declared this renunciation in the Lateran Councils, as recorded by the contemporary writers Suger and Hildebert, and recalled by Cardinal Noris (*History of Investitures*, Vol. 5, Col. 444 ff.). He did not resume the leadership of the Church until he was called back from his solitude by the Romans and yielded to their prayers. Later, while Boniface VIII was at Anagni, the French King's minister, Guillaume de Nogaret, who was then in Italy, was given instructions to seek the convocation of a general council from the Pope rather than announcing an appeal to one in his presence; for he had received a mandate for this purpose alone, as the Continuator of Nangis attests. However, he overstepped the limits of that mandate. Through a conspiracy, he declared the Pope a captive by appeal so that he might be brought to Gaul (France) to face a council.

But rescued after three days from the conspirators' hands, and received by the Romans, having soon died of a lethal illness, nothing for the appeal to the general council needed to be done; and it seemed better to act with his successors, to whom it had equally been provoked. And first indeed the immediate successor of Boniface Benedictus XI. to whom a legation sent both from the King, and from the Gallican Clergy, to the King himself not seeking it rescinded the excommunication, and rescinded whatever Boniface had established in the dignity of the King and the kingdom. Then Boniface died after a few months to Benedict, Clement V. succeeding, erased all the deeds of Boniface on the occasion of the same dissension, as Raynaldus proves from those Registis. Nothing here was attempted about the deposition of Boniface, but about the rescission of decrees, which seemed to the royal laws obnoxious. Only Joannes de Parisiis in the book, which *De potestate regia et Papali* about the same dissension he worked out, first who I find, an indication of deposition provided. For in the memorated dissension between Boniface and the King of Gaul the faculty of deposing the Pontiff not obscurely he attributed not only to a general council, but even to the College of Cardinals, For in the previously mentioned dispute between Boniface and the King of France, he clearly attributed the

power of deposing the Pontiff not only to a general council, but even to the College of Cardinals, and even to the secular Prince himself.

The power of the College of Cardinals in the deposition of the Supreme Pontiffs by this reason he builds up, because from the *consensus of them it makes the Pope in the place of the Church, it seems simply that he may simply be deposed, if reasonable cause exists.* But this true ratio comes from the fact that primatus with the Pontifical election confers nothing to Cardinals electors, who are unable to bestow the primatus itself; for evidently it is false. For indeed, they elect the Pope while the See is vacant; but by this election—as if a condition had been met—it is not the electors themselves, but God who confers the divine primacy upon the one elected. Because of this, a Pope is superior to his electors by divine right and cannot be judged or deposed by them. Indeed, our adversaries will not even dispute this matter, since only those who consider a General Council (representing the universal Church) to be superior to the Supreme Pontiff's jurisdiction would judge that the Council has the power to depose him. Nor that same College of Cardinals of obedience both, who a little after the schism to be remembered, the two contenders for the papacy, [who] were judged as needing to be deposed, held this power to themselves; but it was [later] judged that a general synod must be convoked in Pisa. By this convocation, that right was to be granted to the council *indirectly* only, namely subtracting subjects from the Pope's obedience, certainly *if he were criminal, and would scandalize the Church, and were incorrigible and inhibiting all men and individuals, so that no one would serve or obey the Pope; from which everyone would be compelled to withdraw.* But this same sentence the same Gallican Theologian not absolutely deciding, but rather inquiring and opining with a few indicated: and none other (whom I know) among the Gauls on account of the deeds of Boniface had ill-animated the supporter at that time. That there did not lack indeed among the Gallicans of this time Theologians, who held the ancient opinion that the general council itself, the other things excepted, is clear from an opuscule written at the time of the same dissension, where the author everywhere a Gallican openly professed, that the Pontificate can by no man be taken

from the Supreme Pontiff, because all even assembled in Council the Pope are inferiors. In the very words of that opuscule which are read pag. 453. *The Roman Supreme Hierarch Pontiff is superior to all, himself the true prelate and pastor of the flock of the Lord etc. The subtraction of subjects falls in no way under the Supreme Hierarch, nor is it possible per hominem to subtract subjects from himself, since he has no superior on earth; but every soul is subject to him, and committed to his care, and cannot from any be judged, but he is to judge all and to be judged by no one, unless he be found a faith deviant: and this superiority is not by human privilege, but divine, from which is the institution, and who committed the care of feeding his flock to himself. All the Clergy and people IN ONE ASSEMBLED remain the necessity of obeying him, and not authority of commanding.* From this therefore series of deeds, which we from antiquity deduced, it appears manifestly, nothing or almost nothing so far among Catholics could be obtained, which Pontifical authority to any Ecclesiastical jurisdiction subjected, but always among them the principle has held value, which the ancients on various occasions constantly pressed, the judgment of the Supreme Pontiffs to no man by right of primatus competent, by which since they are superior to all, cannot be judged by inferiors.

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§. III. On the schism on whose occasion the adversaries' opinion arose shortly before the Councils of Pisa and Constance.

Only in the time of the most pertinacious schism, which after the election of Urban VI. For about forty years the Western Schism tore the Church, about subjecting the contendants for the jurisdiction of the ecumenical council seriously began to be considered. But the jurisdiction of this kind was so new in those same, and so contrary from the major tradition to the ratio of primatus, that it was not easy to receive this sentence and establish it by a firm decree. The general council authority at the beginning of the same schism Urban himself and the three Italian Cardinals acknowledged, and

proposed to the Gallican Cardinals that the schism should immediately be impeded by synodal judgment: and again, after the election of Clement, in order to suppress the schism arising from that election, they demanded that the same general synod be immediately convened and judged. By this convocation, that right was to be granted to the council, which also from the ancients had been proved, namely to recognize and judge whether and whose election had been legitimate, so that the one legitimately elected was received, and the intruder repressed: for no coercive right is attributed to the council in the true and legitimate Pontiff, but in the intruder only to be vindicated. While truly the Gallican Cardinals had always opposed themselves to this convocation, to other remedies refuge was had. In id various consultations, and several councils, or rather conventions especially Gallican assembled were held; in which while various ways of the schism to be cut had been proposed, and in vain ceased; so the matter inquiring and disputing to many years distracted, and involved in most difficult legal and factual difficulties, with all hope removed of deciding, whose election might have been legitimate, it was necessary it seemed the right to be asserted to the general council to be deposing even the contendants, if by other equal ways they should refuse.

This counsel the Gallican Doctors of the University of Paris first proposed in the year 1395. it is eighteen years after the schism arisen, when on account of Benedict XIII.'s refused, to whom they adhered, the most optimal path of all of renunciation, among various questions this octavo placed to be discussed: *Whether the Pope subjects himself to the general council of his obedience in the case of recusation predicted with sequence all the way to deposition inclusive in the case of pertinacity.* Still however this right to the general council to give with much dissenting, it was not immediately obtained; and the matter was delayed all the way to the year 1409. when the synod of Pisa was celebrated: in which nevertheless the Fathers were not bold to depose anyone of the two contendants of their authority, unless after they held them deposited by another title from common sentence: just as also in Constantiensia it happened, as from the following chapters will appear. The very novelty of opinion, which the right of coercively deposing the

contendants in schism gives to whatever general council, has in all antiquity no congruous authority, no example, per se the falsity of the very opinion sufficiently detects. Lest truly the deeds of those Pisan and Constantian synods may move the adversaries who most insist on them; what force of authority in this matter is to be attributed to those synods, must be more carefully and fully expended.

CHAPTER VI.

Whether the Synod of Pisa, convened to end the Schism, was truly Ecumenical is a matter of debate. One must ask why its acts and the depositions of its adversaries—opinions published while the two contenders remained stubborn—hinder rather than help the cause. This confirms the ancient opinion which denies a general Council authority even over the Pontiffs.

If nothing certain of authority can be deduced from the Pisan synod, as the certain right of general councils above the Roman Pontiffs is asserted, no one will easily be able to refute. Therefore the adversaries collect certain authority from that synod, because they arbitrate it to have been ecumenical: for they would seek in vain the certain argument from a particular, or non-general council, which according to the adversaries' principles themselves (Vid. Prooemium) nothing above the Pontiffs can. In order to establish some synod to be truly ecumenical, three things must be decided. First by whom a general council is to be convened legitimately: secondly how many and which Bishops ought to convene in it, so that it be and be called truly ecumenical: thirdly how many and whose Bishops' suffrages in it confluently are necessary, so that the decrees obtain the force of a general council.

§. I. On the Right of Convoking General Councils.

First, since a general council is to be convoked from the whole Catholic Church, it can only pertain to those to whom the jurisdiction over the whole Church and all the Bishops of the whole Church is competent. But if the right of convoking synods pertains to the spiritual good of the Church, it cannot be denied to anyone, since to the Supreme Pontiff, to whom from the ratio of primatus the right and power of the keys in the universal Church is competent, also the right of indicating general synods is competent: which right if to be given also to general councils, which equally have the right in the universal Church, it in the rarest cases will happen, nor in the indication from these councils will the authority of the Supreme Pontiffs, which for the deeds of general synods to be valid is always necessary, ever be lacking. The Pope's right to convoke general councils no one of the adversaries denies; indeed among his principal prerogatives and rights from the ratio of primatus they confess to be, that ecumenical synods, when it is expedient or necessary, should indicate, and convoke the Bishops from the whole Church to them. In Constantiensia also three nations, Italian, Gallican and Spanish, of such synods, so that they might be held as legitimate, from the Pope being so necessary considered, so that they protested (T. 16. Concil. edit. Ven. col. 692. c.): *A council is scarcely gathered doubtlessly lacking a head, as to whom it pertains to convoke.*

But if ancient synods generally were almost from Emperors, under whose domain once almost all the parts of the whole Church were subject; this not from the proper right of keys of the Church, which from Christ was not given to them, but from zeal, with which they wished to favor and counsel the Church and faith against raised heresies, to suppress dissensions and with the conciliorum scandals to provide and, by the authority of the Council, to supply help where it was needed, providing also, where necessary, the support of funds; to which indication and counsel the Supreme Pontiffs, assenting, gave their

approval., and legates to the synods directed, from which enough about the legitimate convocation it was careful. So ex. gr. the Chalcedonian synod indicated by Marcian the Emperor without previous knowledge of S. Leo, when the notice of his indication came to him, he immediately assented (Leo. ep. 84. al. 69.), lest it should seem to repugn the optimal counsel, and transmitted his legates who would preside in his name. But whoever of any other rank and dignity Ecclesiastical, who lacks the right in the universal Church, were to convoke a general synod; this indication, which does not befit his right, cannot hold legitimately, unless at least the subsequent Papal consensus would come; much less, if the Papal dissent or contradiction appeared. But then the adversaries, perhaps with Bossuet contend, that in some great necessity a council necessarily even a Pope refusing to convoke can be convoked. If it is convoked by those who lack the right of keys in the universal Church, they lack the right of legitimately convoking all the Bishops of the whole Church of that kind; this convocation legitimate can scarcely be held, especially him persisting, to whom in the whole Church the right is, as any fair estimator of principles of law will judge.

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§. II. Which ought to convene, so that the Council be truly ecumenical.

In order now to prescind from the right of convoking, it does not seem to be able to be denied that that convocation (by whoever it is done) suffices, by which those convene, who need to convene, so that they constitute the council truly ecumenical. This respects the second question proposed. Since a general council is a council not from some province, or kingdom, nor from some parts only of the Church, but from the whole Church convoked, which represents the universal Church, containing the total jurisdiction of the Church; all Bishops indeed in the unity of the Church living, to whom in Peter and the Apostles the keys with the power of binding and loosing given were given by Christ, can accede to it, so that no one of them can be excluded. But since it is impossible that all

be present there, nor is it expedient for all Bishops from the most vast and far regions deeply deserted; it is enough held, if from several provinces of the Church not few came to the council, and from certain more remote or difficult places at least some, as about the matter which was to be done, it seemed expedient; nor was it considered that if from some large regions none were present, nor per se nor through legates. For this reason ancient general synods held are legitimate and ecumenical, even though almost from the Orientals alone they have coalesced, with almost none or few from the Occidentals, in which nevertheless the Roman always either per se or through legates was present.

But if someone should ask why it is considered sufficient, if here one from the West was present, I will say in a few: because this one per se carrying the total person of the Church as its head, and by the peculiar name as Patriarch of the West represents the whole Occidental Church. Councils therefore of many Oriental Bishops with the Pope representing the total Catholic and especially the Occidental Church together, for ecumenical as the total Catholic Church representing, and containing the total Church's jurisdiction, held according to law are.

The Roman Pontiff's such great ratio and so great necessity was even in ancient times in general councils, that if all other Bishops of any even Apostolic and Patriarchal Sees were absent, nothing was considered created prejudice to the ecumenical council: the Roman however if present neither per se nor through legates, no synod however most frequent should be considered ecumenical. The principal reason Bossuet indicated (Lib. 10. Defens. c. 23. t. 2. pag. 227), with whom not hesitating to affirm a general council *itself

§. III. On the Right and Quality of the Suffrage of Bishops and the Pope in General Synods.

All acts, decrees, or sentences issued in councils pertain either to faith or to discipline. In these the right of suffrage befits any Bishop indeed by divine right, so that they are not (Vid. sup. c. 2. n. 3.) the mere councillors of the Pope but true and proper co-judges. But the Pope's suffrage so prevails over the rest and so necessary is his consensus that without it no acts of the ecumenical council have their proper force, in any matter neither in faith nor in the business of discipline. Since I proved this fully cap. 2. 3. et 4. nothing here is to be added. Hence indeed the adversaries themselves the invincible force of decrees of the general council deduce from the consensus of the body of Bishops with the head, which Bishops in the council united must confess *to preside* and not the mere prerogative of order or honor, but by the proper right of primatus proprio, by which the Ephesine Fathers professed themselves *compelled* in the letters to Coelestinus.

Noteworthy moreover it is that so especially from the Pontifical consensus the force of the general Council depends, that Constantinopolitanum I., which although from the convocation and Bishops in it present per se was general only of the East, not however of the total Catholic Church, since no Western Bishops convened in it, among general things nevertheless subinde been accounted, not because of the canons of discipline, but because the Roman See received its symbol tantum. (1: See what on this matter we observed in tractatu De antiquis canonum collectionibus praemisso tom. 3, Operum S. Leonis novissimae Venetae editionis part. 2, §. 2, n. 5 et seqq.) And similarly the fifth synod among general Councils would never have been reviewed, unless Pope Vigilius, who first contradicted his deeds (1: Confer De vi primatus c. 15, n. 39), had afterwards given assent.

§. IV. Why the Pisan Synod Lacks the Authority of General Council.

With these premises, and speaking of the Synod of Pisa: who would attribute the force and authority of a certain Ecumenical Synod to a council gathered for the cause of the schism—a council which labors under failings in not just one, but the three aforementioned chapters?

Regarding the right of convocation, the Synod of Pisa was convoked by Cardinals of both obediences, of whom one side acknowledged Gregory XII and the other Benedict XIII as the true Pontiff. They convoked it not only without the consensus of these Popes, but truly even against the open reprobation of each one. Furthermore, they convoked it while there were simultaneously two other calls for a general synod extant in two different places: Gregory XII had indicated a council to be celebrated at Friuli (*Forojulii*), and Benedict XIII at Perpignan (*Perpiniani*). Given this triple convocation to different cities, who can contend or prove that the one made by the primacy of the Cardinals was the legitimate one? That right is in no way proven, as it was rejected by the Pontiffs of each obedience—one of whom, though unknown, was the true and legitimate Pope, as we shall see in Chapter IX. It may be true that the Council of Pisa acted in good faith due to the necessity of a remedy that could not be hoped for elsewhere; however, neither good faith nor the necessity of a remedy could bestow the right of convocation upon those to whom it did not belong.

Furthermore, if a judgment regarding the ecumenicity (if such a term is permitted) of the council must be made based on the number of Bishops who convened; even though more assembled at Pisa than at the other locations designated by the two contenders for their own general synods, many from various provinces still did not go to Pisa. This was either because they believed in good faith that they should obey the Pontiff of their own

obedience—whom they judged to preside by legitimate law—or because they did not consider the Cardinals' convocation legitimate due to a lack of right.

How, then, can the Synod of Pisa be held to represent the universal Church, since it certainly lacked a head? Certainly, no Bishop from Spain following Benedict XIII attended; yet (as the Cardinal of St. Mark's remarked at the Council of Constance, Tom. 16, Col. 34), Spain was no smaller a portion of Christendom than Christian Greece. All the Bishops of Scotland were absent, as were many from Italy and Germany; the same Cardinal remarks that many German and Italian peoples persisted in their obedience to Gregory XII. Hence, not without cause, Jacques Lenfant—though a Calvinist—confesses in the preface to his *History of the Council of Pisa* (no. 5) that if it is to be judged by the number of nations, the Council was not entirely complete. Furthermore, if the distinguished Bishop of Meaux [Bossuet] did not hesitate to deny that the Sixth Council was ecumenical because the Spaniards were absent, with what consistency could he attribute the name and force of an ecumenical council to that of Pisa, in which, besides the Spaniards, many other German and Italian peoples were also absent? Should the name of a 'general synod' be attributed only when it serves one's interest, and denied when it is not useful?

Truly, observing the ancient councils celebrated in the East, I see that the absence of almost all the Western provinces was held of no account by the Fathers. This was because the Roman Pontiff, the head of the entire Church, supplied for them by providing his assent and confirmation to the acts. I cannot understand, therefore, by what new right the title of 'Ecumenical Council' should be granted to the one at Pisa. Not only did a sufficient number of Bishops fail to convene there, but no Pope—among the neutral contenders—was present. It cannot be denied that at least one of those contenders was the true and legitimate Pope before his deposition. Furthermore, not only did neither Pope give the assent and confirmation necessary for a general synod, but both actually dissented and contradicted it. Nor do I consider the confirmation of Alexander V (who was elected after the deposition of the two contenders and confirmed the acts of this

synod) to be sufficient. If this synod, based on the observations made, lacks the certain authority of an Ecumenical Council, then the authority of Alexander V—who was elected within it—is also uncertain and unsuitable to provide such confirmation. Therefore, nothing certain can be drawn from the Synod of Pisa—which totters on so many counts—to support our adversaries' opinion or to show it has the authority of a certain Ecumenical Council. Whatever force one might probably attribute to it, it can only claim a certain probability for its deeds, but by no means absolute certainty.

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§. V. In as much as the Pisan Deeds obstruct the adversaries' opinion rather than help.

But if the very acts of the Synod of Pisa are examined, no canon is found established by statutes by which the power of a general council over the Pontiffs is decreed—unlike what was done at the Council of Constance, of which we shall speak in the following chapters. The only acts published were the depositions of the two contenders, Gregory XII and Benedict XIII; these are entangled in specific circumstances and facts and are not pertinent to matters of faith, as we have learned from Bossuet. The very deeds—the method and principles by which the Pisan Fathers proceeded to this deposition—do not support our adversaries, but rather obviously obstruct them. For our adversaries praise the Pisan acts because they presume the synod deposed the contenders because the Fathers believed a general council had a right over the Supreme Pontiffs. But that this opinion was neither explored nor held as certain by those Fathers is manifest from this: that although they acted against two Popes of uncertain right, they did not dare to depose them absolutely. Instead, they judged them deposed on another title: namely, that by the crimes of schism and heresy, the contenders had judged themselves to have fallen *ipso facto* from the Pontifical primacy—the only thing that exempted them from the council’s jurisdiction.

Nor was this done rashly, but with mature examination. Already before this council, many theologians and masters of canon law—principally Gallicans from the University of Paris—investigated with all effort how such a pernicious and inveterate schism could be ended. They first judged that the only legitimate way was the voluntary resignation (*cession*) of the contenders. They intended all care toward procuring this, since a consensus had not yet been reached regarding the right of an ecumenical council to depose even Popes of uncertain right.

However, after the contenders' stubbornness rendered this path useless, and because the subtraction of obedience (withdrawing loyalty) was not entirely easy—since each side held their own Pontiff as true and legitimate—another way was devised, which the Council of Pisa adopted. From the acts and documents of the council, it is clear that the judgment of the Doctors and Fathers was sought first. These men agreed that Gregory XII and Benedict XIII—who were functioning under uncertain law—had previously bound themselves by oath to resign the Pontificate if necessary to end the schism. By delaying the execution of this promise as promoters of a most stubborn schism, they were to be held as schismatics and indeed heretics, according to the school's established principle that the 'stubborn in schism' is not distinguished from a heretic in practice.

They further judged that for these notorious crimes of schism and heresy, the contenders were cut off (*praecised*) from the Church and consequently fallen from the Pontificate *ipso facto*, even before any sentence was passed. Therefore, because the Roman See was already vacant, they could proceed to the election of a new and certain Pontiff. This was the opinion of 103 theologians and canonists consulted in the first congregation by the Cardinal of Milan. The same was decreed by 120 Doctors of the University of Florence, with whom the Universities of Bologna, Angers (*Andegavensis*), Orléans (*Aurelianensis*), Toulouse, and especially Paris did not dissent. The Pisan Fathers followed these opinions of so many theologians, canonists, and universities, and adopted their principles. Not only did they, in the first and second sessions, cite the two contenders not by the names Gregory XII and Benedict XIII, but as Angelo Corraro and Pedro de Luna—for the

reason that, having been *ipso facto* deposed for the aforementioned causes, they were no longer actual Pontiffs—but they did so even more openly in the 14th session. There, in the definitive sentence, they declared them to have been *ipso facto* deposed by God and the sacred canons as notorious schismatics and heretics, and cut off from the body of the Church, before they ever carried out the formal sentence of deposition—or rather, before they declared the sentence already carried out. Why was there such a long and sought-after circuit of reasoning by the praised theologians, canonists, and the Council Fathers themselves? Why did they insist that the contenders were already *ipso facto* deposed and 'stripped' of the Pontificate before the Council acted by its own authority, if they truly believed that a general council had the absolute power to depose Popes of 'uncertain right'? How can the deeds of the Pisan Fathers—acting against those whom they presumed were already deposed and no longer Pontiffs—be of any use to our adversaries in proving the right of a general council over actual Pontiffs? Does it not appear that this method was devised precisely because they by no means believed that such a right over Pontiffs was certain to belong to a general synod, even in the case of a 'doubtful' Pope? Therefore, not only does the authority of this synod fail to support the adversaries' system, but the facts themselves oppose it; for the Council's jurisdiction can only be seen to refer to those who were believed to no longer be Pontiffs in fact.

Before moving on from the Synod of Pisa, I think another observation of no small importance should be added. The question addressed in that synod was called a 'cause of schism and of faith'. Yet, the cause of faith was connected to the schism for no other reason than that those who did not acquiesce to the resignation necessary to end the schism were viewed as pertinaciously fostering the schism itself. According to the popular principle of the time, they were treated as heretics, as if they were attacking the article of faith: 'I believe in one holy Church'. Hence, in the sentence of deposition, both contenders were declared to be cut off from the Church and *ipso facto* deposed for schism and heresy, as we explained shortly before. But this specific principle is based solely on the case of a most pertinacious schism between contenders of doubtful and uncertain right (*dubii et incerti juris*)—a principle that cannot be proved as altogether certain.

Indeed, those who adhered in good faith to one or the other contender were neither schismatics nor heretics, nor were those who did not wish to submit to Alexander V or acknowledge Pisa as ecumenical. Since each of those Popes believed himself to be the true and legitimate Pontiff, he defended his dignity and did not wish to offer the promised resignation as long as the conditions placed in the promise had not been fulfilled. If the hypothesis upon which that principle was established is certainly not true, how can the principle itself be supported with certainty? And what certain authority can be attributed to the council which—based on this uncertain or rather false principle—either deposed both contenders for the Papacy or, rather, presumed and declared them already deposed? These points are provided in abundance. Now, I come to the Synod of Constance.

CHAPTER VII. – The Constantian Decrees of Sessions Four and Five on the General Synods' Authority above the Roman Pontiffs have neither force nor peremptory authority, both because they were not edited as certain dogma of faith, but, as the proceedings show, per modum constitutionum synodalium, by the formula which indicates decrees not from faith but from mere opinion, constituted from the circumstances of that time for removing the schism; and as far as they can be equally interpreted: what in those decrees a difficult explication carries. From the necessity of the remedy to removing the schism the same opinion was induced; and in as much as it cannot bring prejudice to the supreme right of the Supreme Pontiffs.

The Gallican authors of the famous Declaration of 1682, who asserted the authority of general synods over the Roman Pontiffs, seemed to lack confidence in the acts of the Council of Pisa. Perhaps because the difficulties mentioned in the preceding chapter left that council liable to objection, they passed over it in silence. Instead, they chose to insert only the decrees of the fourth and fifth sessions of the Council of Constance; they pronounced these to have been 'confirmed by the Apostolic See' to vindicate them as the invincible force of a general council.

However, as much as this is a fundamental argument for our adversaries—and the only one that might seem to weaken the principles we have established with valid reasons—it will be easy for me to overturn it. Many issues are implicit in the authority of those sessions and decrees. Unless these are properly resolved by our adversaries, the authority of those sessions will remain uncertain, and nothing definite can be drawn from them against the Papal authority we have already demonstrated.

Specifically, it must be established whether John XXIII, by whose authority the Council of Constance was convoked, had a more certain or 'purer' right to be followed than his two competitors, Gregory XII and Benedict XIII. Furthermore, how can the Council of Constance—which initially consisted only of the followers of John XXIII during its fourth and fifth sessions—be held as truly ecumenical? At that time, it lacked the other two 'obediences,' which cannot be proven to have been schismatic or cut off from the Catholic Church.

Can decrees issued solely by the obedience of John XXIII obtain the force of a general council, especially since they were made not only without his presidency (either in person or through legates), but while he was openly opposing them? Moreover, the College of Cardinals—which represents the Roman Church in the Pope's absence—was excluded from the voting (see Pierre d'Ailly, *De potestate Ecclesiastica*). Finally, was there mature deliberation on these grave matters, or were they passed rashly and precipitately? The accurate examination and conciliar discussion petitioned by the Cardinals were neglected in this novel matter, though they were later granted during the trials of Wycliffe and Hus. If we consider the many other irregularities, such as those John XXIII objected to in letters to the Duke of Orléans and the University of Paris, we find that the Fathers were divided into four nations for voting. These nations were unequal; the suffrage of the English nation, consisting of very few people, carried the same weight as the Italian or Gallican nations, which consisted of many. Furthermore, while sacred canons grant the right to vote only to high-ranking clergy, this council admitted all indiscriminately—clerics, laypeople, and even the most common plebeians—to cast votes within their nations.

To address so many and such great essential defects in those decrees, Apostolic approval or confirmation—never more necessary than then—was absolutely essential. This confirmation would need to be not obscure, but expressed and entirely certain, in order to grant certitude to decrees of such uncertain authority. Even our adversaries, who

otherwise believe a general council does not need Apostolic confirmation, acknowledge its necessity for the Constantian decrees; in the Declaration of the Clergy of 1682, they felt compelled to affirm that Apostolic confirmation had been granted to them to vindicate their authority. They insist: 'Let them stand firm and immovable: the holy ecumenical Synod of Constance, approved by the Apostolic See… Let this principle, therefore, stand firm: Apostolic confirmation of the decrees of the fourth and fifth sessions must be proved as expressed and undoubted. Only then could the right of those synods prevail over the Pontifical jurisdiction (which is already proven by previous constitutions) through the certain authority of an ecumenical synod and Apostolic confirmation.

Now, where will our adversaries produce this expressed and undoubted Apostolic confirmation? It certainly cannot be found in Antipope John XXIII, who was held by the Council of Constance to be the legitimate Pontiff at the time of those sessions. Before the third session, he had withdrawn from the council; he did not attend the sessions in question, nor did he approve their decrees. As long as he was free, he remained completely alienated from them, as is manifest from his letters to the Duke of Orléans and the University of Paris. Even if he seemed at times to defer to the council, no certain and expressed approval can be gained from him; furthermore, those instances occurred while he was a captive of the Emperor (*Caesar*) and the Council, suffering under a force that excludes the 'free and voluntary' approval required for legitimacy. Nor can a legitimate approval be gathered from Martin V, who was elected as the certain and legitimate Pontiff by that same council. Anything he did in favor of those decrees while he was still a Cardinal at the council is of no use to our adversaries, for the acts of a Cardinal cannot be endowed with the name of Pontifical authority. What he did after his promotion to the Pontificate—unless his acts exhibit an expressed approval of those specific decrees necessary to heal their defects—can be attributed to other causes and likewise profits the adversaries nothing.

Moreover he expressly approved the deeds against Joannem Wicleffum, Joannem Hus and Hieronymum Pragensem — this is certain from two Constitutions of his given before the end of the Council on the 8th of March — and in one of those (1: T. 16, Conc. col. 765, beginning In eminenti Apostolicae dignitatis specula) which begins with those words, he affirmed that all defects, whatever they might have been in condemning their errors, were healed by him. But nowhere is there an indication of approval of those decrees which in sessions IV. and V. prefer the general Council above the Supreme Pontiff himself. Moreover that he had not approved those decrees of that kind is so explored that he rather most certainly reprobated them, since in the same Council he prohibited the Polish Orators under penalty of excommunication from provoking from the Pontiff to the general Council, and by a special Bull declared that by this kind of appeal no one could in any case lawfully subtract himself from the Apostolic judgments: which Bull Joannes Gerson their principal promoter and vindicator (1: Dialog. apolog. tom. 2, pag. 390) complained had utterly destroyed the fundamental robur of those Constantiensium decrees. When the Poles petitioned for the condemnation of a certain book, Martin V responded (Tom. 16, Col. 746) that he intended to hold and inviolably observe all things determined and decreed in matters of faith by the present Council *conciliariter* [in a conciliar manner], and to approve and ratify those things done *conciliariter*, and not otherwise. This must be understood as referring to the decrees of faith regarding Wycliffe, Hus, and Jerome of Prague, whose approval is certain; it does not, however, apply to the decrees of sessions IV and V. As Gerson observed, those were not approved by the Pontiff, but rather 'reprobated in their root and foundation.' Those decrees were not issued by the Council Fathers as dogmatic definitions in the customary formulae of faith, but rather as synodal constitutions, as was declared in the preamble of the fifth session.

Nor can an express approval be found in Martin’s Bull to Emperor Sigismund. Although he called the deposition of John XXIII 'canonical,' and thus seemed to declare the Council’s authority to depose a Pope as legitimate, Bossuet himself concedes that the acts

of that deposition do not pertain to matters of faith. Therefore, their approval beyond doubt does not pertain to faith and lacks the certainty of divine law necessary to overturn the Papal primacy. Furthermore, the adjective 'canonical' was used cursorily and narratively in the bull's introduction; it cannot be taken as a dogmatic definition.

Moreover, Martin might have approved the Council's right in the specific case of John XXIII because John had submitted himself to the synod's judgment, effectively conferring jurisdiction over himself. By later assenting to the sentence, he abdicated the Pontificate by his own will rather than by the Council's power alone. This unique case does nothing to establish a universal right of Councils over unwilling Pontiffs—a right the Constantian statutes attempted to decree. It would be even more difficult to use the letters of Eugenius IV (Jan 18, 1433) as evidence. While he wrote that the Council of Basel had legitimately continued (revoking his previous bulls of dissolution), he did not thereby approve its previous acts or the Constantian decrees repeated in Basel's second session. To declare a synod's 'continuation' is only to restore it to the state it would have been in had no dissolution occurred; it does not grant the express Apostolic confirmation that was already lacking. Furthermore, Eugenius made this declaration while under pressure from the Council to prevent scandals, hoping the Council might eventually be transferred elsewhere. Thus, during the Council of Florence, when Cardinal Giuliano [Cesarini] brought up these letters, Eugenius responded (as witnessed by Cardinal Turrecremata): '*We indeed approved the progress of the council, wishing it to proceed as it had begun; we did not, however, approve its decrees.*' These words are rendered entirely in vain to the opinion of those who claim the Constantian decrees were approved by Pope Eugene IV.

I do not wish to detain my readers any longer with these and similar matters, which would require a lengthy disputation. While one side brings them forward to construct a case for the Apostolic confirmation of those decrees, they are most abundantly refuted by Cardinal Orsi. Instead, I have at hand a briefer and more evident argument to be deduced

from the concession of the adversaries themselves—one that will utterly elude and undermine the force of those aforementioned Constantian decrees.

They argue for the force of those decrees on the grounds that they are the acts of a general council confirmed by the Apostolic See. But I ask: can these decrees constitute a dogma of faith, from which no one could withdraw without the mark of heresy? It is certain that many at Constance after these decrees were published—and since then, very many others, including not a few Gallicans—have opposed these same decrees and still oppose them today. Yet, they are branded with no censure of heresy or 'pernicious contumacy' by the adversaries themselves, as is clear even from Bossuet.

What is the reason for this? It is because these Constantian decrees did not then, nor do they today, constitute a doctrine of faith that no Catholic can contradict. This would be the case only if they were believed not to be a true definition of faith, but a mere synodal constitution (which does not contain dogmatic doctrine, as explained in the following chapter); or if the Council of Constance, in passing those decrees, was judged not to have been—nor able to be held as—truly ecumenical due to various irregularities. But if neither of those explanations pleases the adversaries, the only reason remaining as to why these decrees do not constitute a doctrine of faith is this: although issued by a council that bore the name 'ecumenical' (and later repeated at Basel), they were never approved or confirmed by the Apostolic See—neither by Martin V nor by Eugene IV. Such approval is absolutely necessary to establish the force of a general council and to constitute a dogma of faith.

Indeed, Bossuet recognizes in the appendix of his *Defense* (Book I, Ch. 3) that this question was left 'in suspense' after the Constantian decrees and is freely debated on both sides. Even Jacques Lenfant, though a Calvinist, pronounces in his *History of the Council of Constance* (Vol. 1, p. 89) that this controversy could not be terminated by those very decrees. Since these decrees are inept for settling the controversy, how can the adversaries trust them in a question where entirely certain authority is required—an

authority that would attempt to overturn the Pontifical right over the universal Church and over general councils, which belongs to the Primacy and is approved by all antiquity?

CHAPTER VIII.

Those same Constantian Decrees have neither the peremptory force and authority under another name, because they were not edited as a certain dogma of faith, but as the proceedings show, in the manner of synodal constitutions, by a formula which indicates decrees not from faith but from mere opinion, constituted from the circumstances of that time to remove the schism. Each decree expanded and as far as equal interpretation can explain it: what in those decrees carries a difficult explication. From the necessity of a remedy for removing the schism the same opinion was induced; and in as much as it can bring no prejudice to the supreme right of the Supreme Pontiffs.

The celebrated decrees of the Council of Constance regarding the authority of general councils over the Supreme Pontiffs—upon which Catholic critics of papal authority otherwise rely—were established during two sessions: the fourth and the fifth.

In the fourth session, the sole decree on this matter was brought forward as follows: "This holy Synod of Constance, constituting a general council for the end of the present schism and the union and reformation of God’s Church in head and members, legitimately assembled in the Holy Spirit for the praise of Almighty God, ordains, defines, and declares—so that it may more easily, securely, and freely achieve said union and reformation—that this synod, representing the Catholic Church militant, holds its power directly from Christ. Everyone, of whatever status or dignity—even the papal—is bound to obey it in matters pertaining to the faith, the ending of the schism, and the general reformation of the Church in head and members. Recent German editors note that the final clause regarding "the general reformation of the Church in head and members" is missing not only from the Vatican manuscripts cited by Schelestrate, but also from the

Vienna, Wolfenbüttel, Brunswick, Gotha, and Leipzig codices. This absence vindicates the reliability of the Vatican texts. Furthermore, these words are missing from the ancient acts of the Council of Basel, which contain summaries of these Constantian decrees. Consequently, Von der Hardt and Jacques Lenfant suspect that the earliest copies received by the Basilians matched the authentic Constantian acts, and that those words were only added to the fourth session's decree after they had been approved in the fifth. A marginal note in one codex supports this, stating that the first article of the fourth session was "imperfectly drafted" and was therefore supplemented in the following session.

In the fifth session, the decree from the fourth was repeated with the previous omissions supplied, and a second decree was added regarding penalties for the disobedient. At the mandate of the synod, the Bishop-elect of Poznan published the following constitutions, which had been deliberated upon by the four nations: "In the name of the Holy Trinity, this holy Synod of Constance, legitimately assembled in the Holy Spirit, declares that it holds power directly from Christ. Any person of any dignity, including the Pope, is bound to obey it in matters of faith, the ending of the schism, and the reformation of the Church in head and members. Furthermore, it declares that anyone, of whatever status or dignity—even the papal—who contumaciously refuses to obey the mandates, statutes, or ordinances of this or any other legitimately assembled general council regarding these matters shall be subject to condign penance and duly punished, through further legal means if necessary. Noteworthy here above all is the formula by which in the premised notation these decrees or chapters — commanded by the synod to be read and published — are said to be issued in the manner of synodal constitutions. Similarly after the reading of those decrees of the fifth session (1: Col. 76, from the Basilian edition; Col. 77, from other codices), the vocabulary of constitutions is again used: With these articles or constitutions having been read. If it is affirmed that by these words of synodal constitutions it is indicated that the very decree on the authority of the general council was not edited by the authority of the council as a dogma of faith, I do not think it difficult to prove this.

Just as not all decrees of the Supreme Pontiffs in matters however dogmatic constitute a dogma of faith; thus neither do all statutes of Councils, as Melchior Cano most admirably observed in book V. on the Loci cap. 5, where he also designated the marks by which faith decrees are distinguished from others. Those are namely the decrees of faith in which something is decreed to be believed or condemned from faith, so that those who think otherwise are indicated as alien from the Catholic faith, cut off from the Church, struck by anathema or other similar formulae of censure. If nothing of these marks is present, even if the matter about which the council turns can be referred to faith, the decree nevertheless will not be a certain dogmatic definition. There are many questions among Catholics which are referred to faith — such as for example those which pertain to the form, matter, or minister of the sacraments — and nevertheless, as long as no definition has come from the Church, no certain dogma of faith is at hand from either part. In these which are controverted among Catholics, both councils and Pontiffs do not easily bring forward a dogmatic judgment; and as long as the matter is not plainly elucidated, if they establish something which from the circumstances seems expedient for the good of the Church, that is not immediately, nor always, to be counted among dogmas and definitions. Hence we noted elsewhere (1: De vi et rat. primat. c. 15, n. 39 et 40) that certain things contained in some Pontifical decrees are brought forward not from firm dogma but from opinion: and certain things also will similarly be found in the statutes of councils.

The question about the authority of general Councils and of the Supreme Pontiffs agitated under the time of the synods of Pisa and Constance on the occasion of the schism pertained indeed to understanding the Evangelical loci by which both powers are founded, to explaining the nature and jurisdiction of the Pontifical primatus, and to other not a few of this kind which touch upon the matter of faith: but the opinion which championed the coercive right of the general council above the Pope was so new, and fortified by no ancient example nor certain authority; and contrariwise the power of the Pontiffs above the universal Church and above the general councils themselves — or

above the Bishops of the universal Church who collected in the general council together with the head represent the whole Church — was so supported by ancient examples and authorities, that if a dogmatic judgment were to have been issued, the definition would have had to be brought for the Pope rather than for the Fathers of the general council lacking Pontifical assent. The circumstances of that most enduring and destructive schism were pressing, having spanned many years and produced countless evils and scandals. Although several schisms had occurred in ancient times and been resolved by various means, this particular conflict—due to the stubbornness of the contenders—differed so much from all others that Bossuet affirmed its like had been seen only once in past centuries. Since various legitimate remedies had been tried repeatedly and found useless, it seemed necessary to attribute to Councils a certain right over doubtful Pontiffs contending in schism—at least in those three extraordinary and rare cases—so that they might be compelled even against their will. This same reasoning was thought to hold equally in matters of faith and the general reformation of morals in head and members, which are the only cases mentioned in the Constantian decrees. As we have seen, the Constantian Fathers were led to extend this authority even to cases of faith and reformation; yet, when properly understood, this development serves our cause far better than that of our adversaries.

I foresee the adversaries clamoring: "If Pontiffs are moved neither by divine nor natural law to perform what is necessary for the good of the Church, and if no Council, however general, can compel them through penalties or canonical measures, has Christ not provided inadequately for His Church? Would the scandals of a Pontiff then be left without a proper remedy?" This reasoning, drawn from the necessity of a remedy and appearing highly probable, gave rise to the new opinion that General Councils are superior to Pontiffs in cases of schism. Indeed, the Constantian Fathers accepted this logic and extended it to the matters of faith and moral reformation cited in their decrees. However, since they did not intend to establish a definitive decree of faith, this reasoning grants their decrees only the probability of a mere opinion, not the certainty of

faith—which is sufficient for my present purpose. For indeed, how can this new opinion prejudice the law of Primacy, by which the Supreme Pontiffs are superior to all members of the hierarchy, including the universal Church assembled in a General Council? If this reasoning, which seemed probable given the constraints and circumstances of its time, can be demonstrated as inherently empty and inept, it will be made clear in the following chapter.

The Fathers of the Council of Constance were persuaded to adopt the view that general councils hold authority over Pontiffs—at least in the three aforementioned extraordinary cases for ending a schism—primarily by the reasoning used by the Bishop of Meaux (Bossuet). To argue against those who disagreed, he wrote: "Is it right that a doubtful and even contumacious Pontiff should be immune from the power of an Ecumenical Council? Is there no force in the Church capable of healing the wound of schism? Such a notion is absurd, discordant, contrary to the facts, and utterly inimical to the providence of Christ and the Church. They argue that the most effective remedy for a stubborn schism is for those contending for the Papacy with nearly equal claims to step down. This is true; but what if they refuse? Must the Church suffer through an eternal schism? God forbid. Therefore, there must be some power by which even doubtful Pontiffs may be compelled against their will. As the Bishop of Meaux acknowledges, this same reasoning was applied to cases of faith and the reformation of morals in "head and members," in which the Constantian decrees subject the Pope to the Council's authority.

Is it true, then, that even in such cases the authority of the Supreme Pontiff should be exempt from the jurisdiction of general councils? This has been abundantly proven in the preceding chapters and in the work on the force and nature of the Primacy. By the law of Primacy, the Pontiff is superior to the whole Church collectively and to the authority of a general council representing that Church. Thus, the Pontiff cannot be inferior to a council because of the Primacy, which establishes his jurisdiction over the Church even when it is assembled in a council. Since the Pontiff is superior by right of Primacy—a right that demands coercive force over all members of the Church, as shown previously—how can

this new opinion that councils are superior be reconciled with that Primacy? He is, therefore, *a fortiori* superior to a general council. Though such a council represents the whole Church, it is not endowed by law with any greater privilege than the universal Church itself, which is subject to the Pope and cannot be called his superior. Since the Pontiff is superior to even the most general of councils by virtue of the Primacy, he cannot be subject to its jurisdiction.

Suppose a Supreme Pontiff were to cause scandals requiring reformation. Do the scandals or corrupt morals of a Pontiff diminish the status that the divine Primacy has granted them as superiors over all? Can coercive jurisdiction be given to an inferior over a superior to whom they are in no way equal? If our adversaries do not concede a coercive right to subjects over princes with corrupt morals, by what logic can they attribute such a right to general synods over the Roman Pontiffs, who are equally their superiors by the divine law of Primacy?

Indeed, history has not lacked for papal scandals that prompted calls for reformation and remedy. However, among Catholics, the Augustinian axiom remained the standard: there is no just cause for severing unity, especially with the head of the whole Catholic Church, who serves as the center of that unity. This is strongly confirmed by the celebrated example of St. Cyprian; although he believed his cause for dissent against Pope Stephen was not unjust, he nevertheless refused to break unity with him. Because a certain and legitimate Pontiff is superior to the whole Church and to general councils—by the very law of primacy that makes him superior—coercive jurisdiction cannot be exercised over him unless he is first deprived of that primacy, which transcends all other jurisdiction. This primacy is personal to the Pontiff alone. When a Pontiff dies, this authority does not pass to the electors (who themselves lack the primacy), but is conferred by God immediately upon the one elected. Since this power is granted directly by God, can it be removed by anyone on account of scandals or corrupt morals? Can it especially be removed by an inferior, who holds no right over a superior?

While episcopal jurisdiction is also of divine institution, it can be removed from a Bishop by the Pope or a Council because God instituted it as subject to papal and synodal authority. However, the jurisdiction of the primacy, like the primacy itself, is subject to no one by divine institution; therefore, it cannot be removed by anyone, as all others are always inferior to the Pontiff. Certain ancient Parisian Masters transmitted this entirely certain principle in two epistles to the circle of Benedict XIII. In the second epistle, the tenth question proposed for resolution asks: "Whether God alone, and no one else, can grant the plenitude of ecclesiastical power or papal authority to someone; and if so, by what text of Sacred Scripture can the Pope be bound to believe this?" In a subsequent epistle, they expounded their opinion in a twelfth thesis: "Just as no created person, nor the collective whole of the militant Church, can grant the immediate Vicariate of Christ to the Pope, so also no such person or community can remove that vicarial authority from him against his will, for it was conferred upon him not by men, but by God alone immediately." This thesis, described alongside others in Raynaldus, is attributed to Johannes Azo of the Order of Preachers in the year 1395.

Furthermore, moral scandals in a Pontiff do not provide a legal basis for a forced reformation of his office. In the sacred canons where papal scandals are discussed, it is established that he should not be obeyed, nor his examples followed, should he act against divine law; however, these canons never suggest he is subject to the judgment of anyone, unless he should deviate from the faith. This exception for heresy exists because a Pope who falls from the faith effectively falls from the Pontificate, losing his jurisdictional primacy—a point explained in the following paragraph. The same applies to a true schism in which a Pontiff might separate himself from the body of the Church. But since the Pope certainly does not cease to be the head of the Church or lose his primacy due to other crimes or scandals, it is not surprising that he cannot be judged or deposed by any man. Hence the well-known principle: the Pope is judged by no one, and his crimes are reserved to the judgment of God alone. Indeed, even in antiquity, there

were papal scandals that highlighted the need for remedy. Yet, Catholics held to the Augustinian axiom that there is no just cause for severing unity, especially with the head of the Church as its center. This is confirmed by the example of St. Cyprian, who, despite believing his dissent against Pope Stephen was justified, refused to break unity with him. Since a certain and legitimate Pontiff is superior to the whole Church and to general councils—by the very law of primacy—coercive jurisdiction cannot be granted to any party who is inherently inferior. By what logic, then, can a coercive right be attributed to general synods over the Roman Pontiffs, who are their divine superiors?

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§. III. On the Case of Schism, in which Two or More Act as Pontiffs.

The remaining case of schism is that in which two or more contenders for the Pontificate divide the Church into factions. Two types of such schism must be distinguished: either the election and right of one contender is proven legitimate and certain upon examination, or it remains uncertain and obscure. The first case occurred even in ancient times; yet it was never proposed to gather a general synod that would hold any certain right over a legitimately elected Pontiff, nor was it thought that such a synod could depose him as if he were an intruder simply to restore peace and unity. Instead, the one whose certain right was known through his legitimate election was always vindicated, as seen in the schism against St. Cornelius in the time of St. Cyprian, or those against Innocent II and Alexander III in the time of St. Bernard. The reasoning here is manifest: not only can a manifest invader have no standing against a certain Pontiff, but a general council itself has no right against a certain Pontiff. His authority is granted neither by the electors nor by the Church, but immediately by God. However, if we treat a case of schism where, due to inextricable difficulties of fact and law, the right of no contender is certain but remains doubtful for each, a great controversy arises. This was the situation during the Synods of Pisa and Constance, when first two and then three acted as Pontiffs simultaneously, and

many diverse opinions were adduced by their respective parties. There were then, and are still, many who subject such Pontiffs of doubtful right to the power of general synods. I do not wish to repudiate this opinion—which even celebrated defenders of papal authority follow to ensure a remedy for schism—but I will offer certain considerations to elicit a truer understanding.

I ask the patrons of this opinion: do they hold that in such a case, none of the contenders of doubtful right was truly and legitimately the Pontiff—according to the maxim, "a doubtful Pope is no Pope"—or do they believe that one of them was indeed the true Pontiff, though his identity was obscured by complex difficulties? In the first sense, the council would not be acting against true Pontiffs; since they were not actually Popes, they were in no way superior to the council. It is therefore unsurprising if they were subject to its authority. Under this hypothesis, the schism could have been remedied promptly not only by a general council, but even by particular synods, which could exercise jurisdiction over contenders who were actually devoid of the Pontificate.

If the hypothesis that "a doubtful Pope is no Pope" is judged incredible—especially in the case of that long-lasting schism in which it would be absurd to say the Church lacked a true Pontiff for thirty years (from Urban VI to Martin V)—then I must pursue another path. If one of the two or three contending Pontiffs was in fact the true and legitimate one, yet remained hidden or unknown to men, the same reasons proved in sections 3 and 4 apply: a certain Pontiff is not subject to the jurisdiction of a council, however ecumenical, nor can he be deposed by it. These same reasons prove that the true and legitimate Pontiff—even if he is unknown to men and held to be doubtful—is not subject to a council and cannot be deposed by it. The right of primacy always remains in fact with the true and legitimate Pontiff; by this right, he is superior to the whole Church and to general councils, and is exempt from their jurisdiction. Therefore, a general council possesses no certain power to depose the one who is the true Pontiff. Instead, the council’s role is to seek and propose the most suitable ways and means to end the schism legitimately. The contenders are obliged to acquiesce to such means, if not by the

council's own right, then certainly by natural and divine law, which commands that everyone prefer the common and public good of unity over their own.

The method of "cession" (resignation) was also a lawful means, which the Council of Constance pursued with great effort, even if it was not accepted by all contenders. Thus, the convocation of the synod was not found to be useless. Nor can it be denied that in schisms of this kind, a remedy is available from a general council. Yet, is it not absurd to seek a remedy from a council if that council has no certain right over the true and legitimate Pontiff, however unknown he may be? Since this is not a dogma of faith, and even the adversaries must concede its uncertainty, how can one hope for an opportune remedy from a synod whose authority the contenders do not recognize as certain? For this very reason, the Synod of Pisa, though it presented itself as ecumenical, failed to achieve its goal. It did not extinguish the schism but rather increased it; after the deposition of the two contenders and the election of a third, the Church, previously divided in two, was torn into three. But I have said enough on this. Now, I come to the Synod of Constance itself.

I believe it cannot be denied that in schisms of this kind, a certain remedy is available from a general council. At the beginning of a schism—since the question pertains primarily to the facts and circumstances of the election, which are more easily detected early on—a judgment can be made as to which contender’s election was legitimate so that the intruder may be expelled. Such a judgment, which confers no coercive power over a true Pontiff, could be attributed to particular synods and, even more appropriately, to a general one. Indeed, Urban VI judged that a general council should be convened both before and after the election of the antipope Clement, as he was confident in his cause; only the French Cardinals, supporters of Clement, refused such a convocation—a fact that strongly prejudiced the legitimacy of their election.

Urban’s successor, Boniface IX, also sought the judgment of an ecumenical council regarding his title to the Papacy. However, the opposing party obstructed this, and the subsequent disputes and factionalism so entangled the matter that the question of title, fraught with the most complicated difficulties of fact and law, could no longer be easily resolved. In such straits, I believe the convocation of a general council—in which Fathers from all obediences might gather as numerously as possible—is not only useful but strictly necessary. This is not because the council would possess any inherent, certain right to depose the one who was in fact the true and legitimate Pontiff; rather, it is so that the collective counsel of many might propose the most suitable ways to end the schism legitimately. Even if not bound by the council’s own jurisdiction, the contenders were obliged to acquiesce by natural and divine law, which commands that everyone prefer the common and public good of unity over their own interest. The Council of Constance pursued the method of "cession" (resignation) as a more obvious and efficient means, and though it was not accepted by all contenders, the convocation of that synod was not in vain.

Serious afflictions are often permitted by God for some good end known only to Him (as it is written: "It is necessary that there be heresies, so that those who are approved may be manifest"). When all human aid fails, the remedy comes from God Himself at the time He appoints. The Council of Constance, which met after the Council of Pisa, would have had no more right on its own authority unless other extraordinary means and supports had intervened—though these cannot be alleged as a coercive right of the council over the contenders. Through these combined circumstances, by God’s disposition, the desired peace and unity were finally restored and the schism was brought to an end, as will soon be explained.

§. IV. – How in the Constantian Schism Unity was Restored, and Unity achieved without the use of the Council's Power above the Pontifex.

This long-desired peace was finally achieved when Martin V was elected by the Council, becoming the sole, certain, and legitimate Pontiff. I will briefly explain how this occurred without the Council exercising superior power over a Pope. His election followed the free resignation of Gregory XII, who was most probably the true Pontiff. As for the other two contenders, John XXIII and Benedict XIII, they were deposed—but under specific circumstances. John XXIII, though he fled the Council before the sentence, had previously promised legates that he would accept and confirm the Council's decree even if it were against him. By submitting himself to the synod in this way, he effectively granted it jurisdiction over himself by his own will. When he later assented to the sentence as promised, he abdicated the Pontificate by his own volition rather than by the synod's inherent power. The approval of this peculiar case does nothing to establish a universal coercive right of Councils over unwilling Pontiffs.

Only Benedict XIII was deposed against his will, following the unification of the various "obediences." He stubbornly refused to join the unity or resign, persisting in a manifest separation from the now-united body of the Catholic Church. In doing so, he became a true schismatic and even a manifest heretic. He notoriously claimed that the Church of Christ was confined to his few followers in Peñíscola, telling the synod's legates: "The Church is not there; the Church is truly here in Peñíscola," while striking his chair and calling it "Noah’s Ark." This mirrored the error of the Donatists, who were considered heretics for restricting the Church to a small corner of Africa and denying its universal (Catholic) nature. Because of this double crime of schism and heresy, Benedict XIII could be legitimately deposed by the Council; once he fell into heresy, he effectively ceased to hold the primacy.

Thus, you see how Divine Providence used the Council of Constance to abolish this stubborn schism without the synod needing to exercise any coercive jurisdiction over a legitimate, hidden Pontiff. It did not depose Gregory XII, for he resigned freely. It deposed John XXIII (assuming he was a true Pope) only with his consent, which is equivalent to a resignation. Finally, it deposed Benedict XIII only after he had cut himself off from the Church through heresy and schism. Therefore, the synod's sentence declared him already cut off from the Church rather than depose a functioning head. From this discussion, one can understand how the supposed "necessity of a remedy"—which led some to attribute coercive power to Councils—evaporates upon closer inspection.

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§. V. Observations on Appeals from the Pope to the General Council.

I believe one observation should not be omitted here. Those who are moved to defend the authority of general councils over the Supreme Pontiffs—arguing from the necessity of a remedy in matters of faith, moral scandals, or schisms—should seriously consider the dangers and scandals that arise from their own opinion. These risks are neither difficult to imagine nor rare; rather, they are frequent among those who hold such views. One need only recall the numerous scandals originating from appeals made against the dogmatic sentences of the Apostolic See or the Supreme Pontiffs to a general council. It is well-known how these appeals, embraced by many adversaries in the centuries following the rise of this opinion, have universally disturbed the Church. Would the remnants of these scandals and disturbances still persist today? One cannot simply argue that appeals should only be allowed in extreme cases or that their frequency should be restricted. If an appeal from the Pope to an ecumenical council is inherently legitimate—treating the council as a superior authority—who can stop appellants from claiming their specific case is "extreme and necessary," especially in dogmatic matters? If the adversaries are granted this liberty, how can the unity of faith with the Roman See be guarded according

to the right of primacy, as I have demonstrated in my previous work? Since these dangers and scandals are greater and more frequent than those arising from schisms due to uncertain claims to the Pontificacy, reason dictates that when faced with two evils that cannot both be avoided, the greater and more frequent one should be shunned. Therefore, considering these risks, the opinion that places general councils above the Roman Pontiff should be rejected. Instead, one should embrace the position that establishes Pontifical authority above the councils. This perspective is presented as being consistent with the nature of the primacy and essential for maintaining the unity of the Church and preventing disruptive dissensions and scandals.

In this matter, I would encourage Catholic adversaries to read the famous dissertation by Johann Lorenz von Mosheim—a renowned figure among more recent heterodox writers—concerning the appeals of the Gallicans to a Universal Council. He argues that such appeals destroy the visible unity of the Church and demonstrates that the adversaries' opinion is inconsistent with the divine right of primacy, which establishes the Roman See and the Roman Pontiffs as the center of the entire Church and of Catholic unity. However, we do not require such outside support. What I have set forth in my previous work on the nature and force of the Primacy—establishing the Pontiff’s right and his coercive power to maintain the unity of communion (and especially the unity of faith, joined with infallibility in dogmatic definitions)—plainly excludes any right of appeal, particularly regarding definitions of faith. What we have presented in this current work concerning the authority of the Pontiffs and general councils should be sufficient to show that even the most general of councils, and the bishops assembled within them, are collectively subject to the jurisdiction of the Supreme Pontiff. Consequently, no appeal in the strict sense can be brought before such councils as if to a superior tribunal.

CHAPTER X.

The Principles and Sum of the Whole Reasoning, from which the Right above the Roman Pontiffs is to be Denied to General Councils.

Why should I dwell further on this dispute when the strength of everything we have said can be summarized so briefly? The very question of whether a general council has coercive power over a Pope seems, to many, to involve a contradiction. This is because a general council, by its very nature, comprises not only the Bishops but the Pope himself as the head of the Catholic Church (as discussed in Chapter 6). Coercive power cannot apply to someone who, of his own will, assents to the decrees; yet, if the Bishops act separately from and against the head—which seems to be the adversaries' position—it is a logical impossibility. Bishops, regardless of their number, have no jurisdiction when separated from their head, and thus cannot obtain coercive or proper jurisdiction over that head. To help the reader grasp the established thesis at a single glance, I will summarize the entire reasoning into four certain principles:

First Principle: It is certain that the Pope, by virtue of the Primacy, is endowed with a jurisdiction that makes him superior by divine right to the whole Church (even collectively) and to any general council. This is manifest from the fact that Christ placed Peter over all the Apostles and the entire Church, a right which continues in his successors over all Bishops. He who has coercive power over the universal Church must, without doubt, have that same power over a general council, which cannot enjoy a greater privilege than the universal Church itself. Since he holds this power over them, they must acknowledge him as their necessary superior; he is superior to the synods and the Bishops within them, who remain subject to him and cannot be called his superiors.

Second Principle: It is also certain that an inferior possesses no coercive right over a superior, unless that right was conferred by a higher authority who presides over both.

The first part of this principle is manifest from natural law and requires no further proof. The second part—that an inferior can exercise a right over a superior if delegated by a higher authority—is clear from natural reason; in such a case, the inferior acts not in his own capacity, but as the representative of the one who delegates. Common legal practice regarding delegation confirms this. The third part, which states that this conferred right must be proven by documentation, is also evident. Otherwise, the certain right of the superior, which exempts him from the jurisdiction of inferiors, must always prevail; just as the certain right of the primacy always prevails in any true and legitimate Pontiff. Furthermore, he who has the right of coercion over another is his superior. Therefore, all Bishops collectively in a general synod, over whom the Roman Pontiff holds coercive power, must acknowledge him as their necessary superior; for the same reason, he is superior to general councils and the Bishops who convene within them.

Third Principle: It follows from what has been said that the Supreme Pontiff is the superior and holds coercive power over the total Church and general councils. God alone is superior to the Supreme Pontiff; neither the Church, nor a universal council, nor the Bishops assembled from the whole Church in a general council—whom we have seen are inferiors by divine law—can exercise jurisdiction over this superior, unless it is proven by certain documents that such jurisdiction was conferred on them by God. Since the Church and all Bishops in an ecumenical synod are subject to the jurisdiction of the Supreme Pontiff, it follows that the Pope is subject to God alone in spiritual matters (as explained more fully in Chapter 5). No one who is inherently inferior to the Pontiff can assert a right over him unless they prove it with divine evidence. Since the discussion concerns a legal right to depose a Pope—which requires removing the primacy conferred immediately by God—it can be removed by no one except God himself.

Fourth Principle: In order to prove that God has conferred jurisdiction over a Pope to someone else, one must offer certain testimony from Sacred Scripture, the tradition of the Holy Fathers, a general Council, or a definition from the Supreme Pontiffs themselves. If none of these are produced, there is no certain divine institution or delegation, and the

right of the Pontifical primacy must prevail, as it has among Catholics for the first thirteen centuries. We have seen that the adversaries have produced nothing certain from these divine sources. Scriptural and traditional evidence supports the Pontifical primacy and his right to compel the collective Church. For establishing the right of a general council over a Pope, the adversaries have produced nothing from Scripture or tradition that definitively settles the matter. The few texts suggesting a Pope is subject to the judgment of a general council if he errs in faith do not support the adversaries' opinion; in such a case, the crime of heresy causes the Pontiff to lose his primacy by his own will, meaning he is no longer Pope. Likewise, the Sixth Ecumenical Council's anathema of Honorius after his death does little to prove jurisdiction over a living Pontiff. The decrees of the Council of Constance and the depositions at Pisa and Constance also lack certain authority to prove that inferiors hold jurisdiction over a Pope. The decrees of the fourth and fifth sessions of Constance lack the force of an ecumenical council due to the absence of Apostolic confirmation; they were not issued as dogmas of faith, but as synodal constitutions based on the opinion that seemed most probable in those specific circumstances. The deposition of John XXIII at Constance was done with his own consent, which is equivalent to a resignation. Finally, the deposition of Benedict XIII occurred only after he had separated himself from the universal Church and proven himself a schismatic and heretic; thus, the synod declared him already cut off from the Church and the Pontificate rather than exercising a superior right to depose him. Since all certain documentation of divine institution or delegation is lacking—documentation that would be absolutely necessary to prove that God granted Bishops in a general council jurisdiction over the Pope, their superior—what remains for the adversaries' opinion? Nothing but a rationale drawn solely from the necessity of an opportune remedy in cases of the most stubborn schism. But this reasoning, even if it gave rise to the new opinion and the actions at Pisa and Constance, does not prove the divine institution or delegation necessary for our purpose. It can do nothing to overturn the certain right of the Papal primacy over all Bishops, even collectively. Those Bishops always were, and remain, inferior to the Supreme Pontiffs; by natural reason, they can exercise no jurisdiction over

their superior unless a certain divine institution or delegation is proved elsewhere—something that has been found wanting thus far.

Therefore, let it be that nothing certain regarding this dogma is available on either side, and that all things are treated as matters of free opinion. Just as we believe those adversaries who rely on the acts of Pisa and Constance should not be censured, so they too should not regard us as heretics or schismatics for opposing those same acts. Instead, we should follow Bossuet's equitable suggestion: since those deeds prove nothing cogent, the matter should be peacefully disputed on both sides to see which view can be substantiated by the more valid, pure, and lucid documents. Who would refuse such a fair condition? If, however, one sets aside the prejudices of the adversaries and carefully weighs what has been produced by me and by them, who—reasoning theologically and rightly—will not see that their opinion, of such late origin and recent novelty and fortified by no certain document of divine institution, cannot be preferred to a position supported by the divine right of primacy over all collectively—a position that alone flourished among Catholics during the first thirteen centuries.

— END OF TRANSLATION —

Pietro Ballerini, On Ecclesiastical Power of the Supreme Pontiffs and General Councils

Translated from the original Latin edition, Münster in Westphalia, 1857

VINDICATION

OF

PONTIFICAL AUTHORITY

Against the Work of

JUSTINUS FEBRONIUS

Entitled:

On the State of the Church and on the Legitimate Power of the Roman Pontiff

[Translated by @ofsaintthomas on X]

https://x.com/thomistgelasius?s=21

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PREFACE

1. The plan of Justinus Febronius for restoring ecclesiastical discipline and reforming the morals of ecclesiastics according to the norm of the sacred Canons — which he most prominently proffers and inserts in a work published a few years ago, repeated in many editions and disseminated everywhere, and to which he prefixed the title On the State of the Church and on the Legitimate Power of the Roman Pontiff — who would not greatly praise and approve, if the principles and means employed to achieve that end were such as would attack the vices, abuses, and corruptions of ecclesiastics and keep safe and sound the genuine and certain authority of the Roman Pontiffs, which belongs to them by divine right of primacy? But the principles and means inserted in that work do not merely fail to honor and vindicate that same authority; they attenuate it and confine it within narrow limits, so that the Author appears to reduce the authority of the primacy — which must be conceded from Catholic dogma as the most proper and principal jurisdictional prerogative of the Roman Pontiffs — to a primacy of mere order and honor; or at least to deprive that primacy of its principal and proper force and power, which the Supreme Pontiffs possess for the unity and edification of the Church, which Christ

attributed — a work which not only fails to approve and vindicate it, but rather undermines and discredits it, and under the specious pretext of procuring reform, strips away and exposes to contempt the common center of Catholic unity, which the same Author confesses in words must be placed in the Roman Pontiffs and defended by all Catholics, while by his very conduct he robs it of the jurisdiction necessary and adequate for achieving that end. For what else can a work accomplish but inflict great contempt upon Apostolic authority — a work which paints those Pontiffs as most incompetent, dominated by alien institutions, and as engaged in the most unjust occupying and disturbing of others' rights, fortified by the protection of forged decretals, and which stirs up all Bishops, all Metropolitans, and even secular powers to confine within narrower bounds the faculties of those who have authority over them, and even (if need be) to

withdraw their obedience and threatens to invoke the force of censures against them? Who can calmly endure and overlook these things, if he is a lover of truth and justice?

2. As for me, having in two preceding works endeavored to explain and demonstrate the force, reason, and power of the pontifical primacy as constituted by divine institution, I could not refrain from undertaking a Vindication of the same against the Febronian system. In order to do this as briefly as possible, two things in Febronius's work must be distinguished: one concerning the power conferred upon the Supreme Pontiffs in matters of faith; the other concerning the power granted to them in the business of discipline. Those things which he touches upon regarding the Pontifical power in defining controversies of faith, having been more fully discussed in the first work entitled On the Force and Reason of the Primacy, etc., require fewer words here, and will be covered in the first chapter. But since the greater part of his discussions revolve around the matter of discipline, so much so that — as was not wrongly noted in the prefatory notice of the 1764 edition — it was distinguished into two separate volumes

(which we shall use) with the prefix: The Whole Business Is That of Discipline — many things in this argument, beyond what has been premised by way of introduction in these Vindications, will need to be set forth and established in the remaining chapters. And since those subjects which are discussed under both themes — namely, faith and discipline — presuppose the principles established in the two preceding works and require the reader to be thoroughly acquainted with those same principles and works, and since the same works are therefore repeatedly cited, lest by frequent citation of their full titles we be forced each time to repeat them at nauseating length, the first work entitled On the Force and Reason of the Primacy, etc. I shall abbreviate in these notes as On the Force of the Primacy, or On the Primacy; and the other work prefaced to these Vindications, On the Ecclesiastical Power of the Roman Pontiffs and General Councils, I shall indicate by the shorter notation On Ecclesiastical Power.

3. I am not unaware that some expect that, in refuting the Febronian work, two or three other works most recently published or even reissued — which attack pontifical authority

in a not dissimilar way — should also be dealt with. But since the fundamental principles of all of them are nearly the same as those employed by Febronius, this refutation of Febronius's principles, supported by the two indicated works, will be a refutation of the substance of other works of the same kind; nor will anyone be able to demand a separate refutation of each, unless he judges it necessary to repeat the same things with regard to each one, without necessity.

VINDICATION OF PONTIFICAL AUTHORITY

Against the Work of Justinus Febronius

CHAPTER I

How Much Febronius Detracts from the Legitimate Power of the Pontiff in Deciding Controversies of Faith

1. In order to prevent schisms within the Church and to preserve in it the unity of faith and communion — so supremely necessary to the Church itself — Christ our Lord selected one of the Apostles, namely Saint Peter, and set him above the rest not by a mere prerogative of honor and order, but with a special jurisdiction, so that in him, as in the center of unity, the unity of the Church might be preserved. However much the other Apostles might be equal to Peter in the other faculties of the Apostolate, in jurisdiction — that is, in coercive force over all for preserving with him both the unity of faith and of communion — they were subject to Peter, so that all ought to agree with him in the same faith, and never to depart or secede from communion with him (On the Force and Reason of the Primacy, ch. 11, no. 53, and elsewhere). There was nothing to fear by way of schism either in the unity of faith or of communion with Peter from those Apostles, who,

imbued with the Holy Spirit, the Spirit of truth and charity, acted accordingly. But among the successors of the Apostles — Bishops — who were not confirmed in the Holy Spirit to the same degree as the Apostles, there was cause to fear dissensions and schisms from which the unity either of faith or of communion might suffer harm. For this reason, the primacy of Saint Peter, which was destined to be perpetual for the good of unity and to pass to the Bishops of Rome as successors of Saint Peter, was necessarily endowed in those successors — with the same particular jurisdictional or coercive force — so that it could hold all even Bishops perpetually in both forms of unity. A mere representation, a mere type of unity, would not have sufficed for this purpose; nor would a mere primacy of honor and order, which without coercive force of this kind would have been ill-fitted to the end for which the primacy of Christ was proposed in its institution. This coercive right of all Christians toward unity — not only of communion but above all of faith, which is the more excellent unity of the Church — is asserted as belonging to the Roman Pontiffs from Holy Scripture and the perpetual tradition of the Church, and you will find it in the book On the Force and Reason of the Primacy, chapters 12 and 13, where also the objections that are usually raised are answered.

2. Justinus Febronius, while acknowledging in the Roman Pontiffs and in their primacy the center of unity conferred by Christ, and confessing that it is necessary and altogether indispensable in the Church and must be defended by Catholics, and while affirming that the fundamental rights of the primacy for the good of unity cannot be placed in doubt — appears to agree with us to some extent. But when he undertakes to review the rights or faculties belonging to the Supreme Pontiffs from the primacy, he reduces them almost entirely to prerogatives of mere order and honor: and if some element of coercive right or jurisdiction presents itself, he holds that it is not of a kind that by its very nature compels all to maintain the unity of faith above all — as the right ought to be, from reason and from the principal end for which the primacy was instituted — and, moreover, that it ought to be derived from Scripture and tradition. He wishes Saint Peter to have been (ch. 2, §4, tom. I, edit. quinta, pag. 51) in the college of the Apostles like a president in a

Senate, who solicits the votes of the senators but compels nothing, and decides nothing by his own authority alone; and he reduces to the prerogatives of mere order and honor the coercive force and true jurisdiction in the acts of councils, which he most openly concedes to Saint Peter — including those things by which, in expounding the titles of 'Head' and 'Prince of the Apostles,'. He notes that honor of the primacy was deferred to him, much weight was given to his opinion, and no matter of major importance was defined without his participation.. He himself proposed the subject matter for deliberation in the councils: he, when it was opportune, raised his voice and spoke in the name and on behalf of all. These things do not at all exceed the prerogatives of mere order and honor, he immediately adds: But between such directorial bounds the rights of the primacy do not subsist. The preservation of unity in the Church requires something more than is always gathered in councils. If these last words — 'not always gathered in councils' — had been added in the sense that the power of councils, especially general ones, at which the Supreme Pontiff presides either in person or through legates and to which the right of defining controversies of faith and the power of compelling all Catholics to the unity of faith is conceded, amounts to nothing, there would be nothing repugnant. But Febronius added these words with another meaning, namely to indicate that (as he openly declared in book 4, no. 4) definitions of faith issued by the sole Pontiff outside a general council, even though he has principal authority in judging, are not nevertheless the ultimate judgment, nor are they altogether infallible; and individual private Churches owe them a degree of reverence, to the extent that one should comply with them provisionally, at least 'so as not to define the contrary, as long as the Church does not protest.' He drew this from Gerson and from the opinion of other adversaries who, by denying to the Roman primacy the prerogative of infallibility in defining controversies of faith, entirely undermine the absolutely coercive and absolute force for assenting to Apostolic definitions of the unity of faith. I wish Febronius would recall to mind that principle which he laid down as altogether certain (ch. 2, §4, pag. 50): Since we have found the genuine foundation of the same primacy in the good of the unity of the Church above in §2, we therefore lay down as a principle: ALL AND ONLY THOSE ARE THE

PRIMARY AND ESSENTIAL RIGHTS OF THE PRIMACY, WITHOUT WHICH UNITY CANNOT BE PRESERVED. Now is the power of absolutely compelling everyone toward unity so necessary and absolute that without it unity cannot be maintained and vindicated? Is this coercive force not meant to operate not so much upon individuals as upon all Christians collectively, since from the consensus of all the same unity of Catholic faith of the Church is formed? Can the unity of that faith be preserved in the Church without the coercive force of all Christians focused principally upon the unity of faith in the institution of the primacy by Christ — if it were permissible by a provisional decree, against which no one may protest as long as the Church does not protest, to dissent from it? Is it always and everywhere understood that the Church and the sons of the Church have had only provisional, not definitive judgments of the Apostolic See concerning faith, by which the matter would be concluded and obedience required — not merely external obedience, which forbids only external contradiction, but also internal obedience, which constitutes the unity of faith — from all; and is this for that reason founded upon the gift of infallibility promised by Christ and handed down from the tradition of the Fathers, as is proven in many ways or rather demonstrated in the book On the Force and Reason of the Primacy?

3. If anyone, following the counsel to which Febronius himself repeatedly appeals, wished to consult the usage and observance of the earlier centuries, he would find not one single fact or text by which Catholics thought it lawful to doubt concerning some properly-so-called definition of the Apostolic See. By 'properly-so-called definition of faith,' I mean that whose nature I have explained in the same book; nor is it from other decrees, sentences, writings, or pronouncements of the Roman Pontiffs alien to the dogmatic definition that the same thing is to be said or understood. A new examination which was sometimes held in general councils after Apostolic definitions did nothing to diminish the authority of those definitions in our view; since it was not held for that reason, as if it were permissible to doubt concerning them before the judgment and approval of an ecumenical council, but in order to instruct those who doubted, or that the

contumacy of the erring might be made evident to all, and that the less simple and cautious might be dealt with. Febronius opposes these things and similar ones drawn from the books of adversaries, which have been more accurately set out and refuted in the indicated work; and since he himself adds nothing in this part which has not been similarly opposed and refuted by others, nothing is now to be repeated here, unless he has added one thing beyond the others — a patron of contrary opinion who by his own opinion makes it worse than that of others — which I judge should be passed over without any particular animadversion.

4. The other adversaries, who hold that the judgment of the Apostolic See does not suffice for concluding a controversy of faith, lest unity of faith be said to have been ill-provided for by Christ, argue that one should wait for the sentence of a general council confirming the same Apostolic judgment, which would settle the matter; and they say it has always and everywhere sufficed if to the definitions of the Supreme Pontiffs there be added the consent of the Bishops of the Church, whether expressed or at least tacitly. This very condition of the consent of the Church, whether assembled in a general synod or dispersed, is that which they wickedly insist is required to give coercive force to those same definitions — as we proved in ch. 14, no. 29, and following. But Febronius, not at all content with this condition of at least tacit consent (Ch. 6, §8, no. 1), demands as the ultimate and conclusive — indeed infallible — judgment in matters of faith an expressed and concurrent sentence of a general council, from which alone the peremptory definitions of faith are said to come. In this hypothesis — since ecumenical councils are most rare, and especially in these times their convocation for many causes is most difficult and nearly impossible — how ill Christ would have provided for the unity of faith in the institution of the primacy, if after an Apostolic definition aimed at peremptory judgment, from which no Catholic could legitimately dissent, a general council would have to be awaited? How does this cohere with those words of the same Febronius himself, by which from the history of the earlier centuries (ibid., n. 4, p. 209) he concedes with Augustine that the heresies were so few and so pertinacious that a general council

was needed to suppress them? For according to Febronian principles, a general synodal assembly would always have been necessary, since any other judgment issued by a Pontiff and received or anticipated in advance by particular councils and approved by the consensus of all the Bishops of the Church would never have been ultimate and infallible — to which heretics could not resist and call themselves not yet certain heretics, nor excised from the body of the Church — as long as a general council had not produced the ultimate and infallible judgment. This appears the more incoherent in Febronius if you observe that he has explained that Augustinian opinion — which denied that a general council was necessary to suppress heresies — from the same Febronius, concerning heresies condemned in particular synods, with this reason added: This has always been the society and concord among the Churches, and the authority and religious observance of defined doctrine was so great among all, that what had been established anywhere in a synod, other Churches considered it appropriate to imitate and similarly establish for themselves — whether by expressed agreement, OR BY TACIT APPROVAL. Now when it is a question of the definitions of particular synods, concerning the peremptory force of which the necessity of general councils would be excluded, he held it sufficient not so much the expressed as the tacit consensus of the dispersed Church; which, while acting concerning the definitions of the Pontiffs as insufficient — unless confirmed by an express decree of a general council — he declared?

5. Another less coherent thing I see detected in the same Febronian work. Up to this point he indicated the consensus of the dispersed Church added to Apostolic definitions for concluding controversies of faith as by itself less apt, while he required the judgment or consensus of an ecumenical council. Now did he believe the authority of the ecumenical council itself suffices by itself without any consensus of the dispersed Church? By no means: since he affirms that properly convoked general synods, and their legitimately issued definitions, bind all toward the unity of faith not absolutely but only conditionally (Ibid., n. 13, pag. 212): If the Fathers legitimately convoked in it (the council) conducted themselves so that they can be said to represent the whole Church:

whether this is indeed the case, the acknowledgment, or RECEPTION OF THE CHURCH, declares. From the definitions of the general councils alone, therefore, there does not arise an absolutely coercive force toward unity, but the subsequent reception of the Church, or consensus, is further necessary — so that it may be recognized that the same council conducted itself legitimately and legitimately: which things, how fittingly they may cohere, Febronius will see. How much more coherently others of the adversaries deduce from both sides the peremptory force from the consensus of the Church, whether dispersed or assembled in a general council, since the dispersed Church has no less authority than the Church assembled in an ecumenical council, which represents the same dispersed Church?

6. Truly, the defenders of Roman authority attribute absolute coercive and peremptory force to Apostolic definitions by right of primacy, so that they need not seek the assent of the Church, whether dispersed or assembled in an ecumenical synod, to exercise that force; nor do the definitions of the general councils themselves lack the same force — provided that the assent or confirmation of the Apostolic See has been given to them. Concerning this, see the preceding book On Ecclesiastical Power of the Pope and General Councils, ch. 2, §2. Febronius, who denies the necessity of this assent or confirmation of the Apostolic See, and attributes to the Supreme Pontiffs only the office of presiding, proposing, and executing (which are functions of mere order and execution): I do not see what principal right in the matter of faith he assigns to the primacy, from which the primacy of truly principal jurisdiction rather than mere honor and order is constituted. And while afterward he asserts some coercive right of the primacy in the matters of discipline, still the rights of mere inspection, direction, execution of canons, coercion of delinquents, and similar things — which pertain more to honor and order than to the particular jurisdiction of the primacy — are those referred to. Much more will it appear that the same primacy in faith, as well as in discipline, admits only those things which are of mere honor and order, or of what approaches most closely mere order and honor, while

its true and principal coercive jurisdiction, which Christ attributed for the good of unity, is altogether lacking.

CHAPTER II

What Power Belongs to the Roman Pontiff in the Matter of Discipline, and How Much the Febronian System Detracts from It

1. Since the matter of faith encompasses not only those things that depend on positive divine law but also those things that are prescribed or prohibited by natural law given by God — just as divine and natural law are immutable, so likewise immutable are the things prescribed or prohibited by those same laws — the things, however, which are neither forbidden nor prescribed by natural or divine law, but have been left to Ecclesiastical disposition by God, if they are prescribed or forbidden by Ecclesiastical power, constitute the matter of discipline, which can so vary and be changed by the power of the Church according to the variety of circumstances, that what previously was forbidden may now be permitted, and what was previously permitted, with the supervening of an Ecclesiastical prohibition, may become illicit. Hence the laws of the Church which deal with matters of discipline are subject to change, as discipline is subject to change and variety. These things are so certain from the ancient practice of the Church that therefore neither always nor everywhere have the same laws of discipline prevailed or still prevail; nor can Febronius contradict this.

2. Worth noting here is a thesis of the same Febronius, which he enumerates among the Principles of Public Ecclesiastical Law, ch. 1, no. 2: The legislative power of the Apostolate was of divine origin in its source (since indeed it was established by Christ, as was the power of the Church itself): but the precepts of the Apostles, although inserted in the canonical books, are not divine but merely human. This distinction on the subject he explains and confirms from Paul, 1 Corinthians, ch. 7, where concerning matters of divine law he writes in these words: I prescribe, not I, but the Lord; but what he hands down by his own private judgment, he prefaces with this formula: For the rest, I say, etc.

Those things prescribed by mere apostolic command, such as dispensations, are subject to change and mutation. Among these is reckoned that the decree of the Council of Jerusalem concerning the use of blood and things strangled, which for those circumstances was necessary, but with changed circumstances has since become obsolete.

3. Though in the matter of discipline, which is subject to variety, not so great a unity of all the Churches and of all the Catholic Bishops with the Apostolic See is necessary as is necessary with regard to it in every respect (Sup. ch. 1), the unity of all is necessary in the matter of faith and communion, which is prescribed by immutable divine law by reason of the primacy; yet the good of unity is necessary for all the inferior Ecclesiastical powers, and the subordination of all the Bishops to the Supreme Roman Pontiff. In one particular Church two Bishops equal in power cannot exist, since the way to dissensions is thereby opened, and a danger to unity hangs over the equality of rights; but one must preside over all the others, so that even whoever has received episcopal consecration must in law be believed to be subject to him in the same grade. Hence in the Council of Nicaea it was decreed that if Catharist or Novatianist Bishops returning to unity were to be received, where a Catholic Bishop was found, they should not be admitted with the same episcopal jurisdiction but in the grade of a presbyterate, lest two Bishops seem to exist in one city — which repugns the good of unity. Similarly, therefore, in the universal Church two Pontiffs of entirely equal right cannot exist; but one must preside over all with special jurisdiction, to whom all are subordinate in the government of the Church, and even in the matter of discipline itself, so that — with this subordination removed — dangers of schism do not hang over, which would afford an easy occasion of breaking unity. To whom this subordination must be rendered by all, unless it be to him who by a true and personal jurisdictional primacy for preserving unity in the whole Church has been given an adequate power by Christ? Nor can Febronius contradict this from

that very certain principle of his, which we cited in the preceding chapter, namely: All and only those are the primary and essential rights of the primacy, without which unity

cannot be preserved. Can the unity of the Church even in the matters of discipline be maintained any longer without this general subordination to the Supreme Hierarch?

4. This subordination due to the Supreme Pontiff from divine law, by which inferiors must be subject to their superiors as Paul testifies (Heb. 13, 17), was observed by the Apostles themselves toward Saint Peter as their prince and superior — not because there was any danger of a graver schism and dissension from them, which might rupture unity, but as an example for future times and for the succession of Bishops, so as to commend to them this same due subordination toward the successors of Peter, the Roman Pontiffs. This subordination in the government of the universal Church the Apostles themselves had to render to Saint Peter for the good of unity by reason of the primacy; the proposal to make the Church bicephalous with Saint Peter and Saint Paul was condemned and condemned by such an interpretation — namely, that it placed an absolute equality between Saint Peter and Saint Paul, without the subordination and subjection of Saint Paul to Saint Peter in supreme and universal governance of the Church — and this condemnation and interpretation was received and approved by the whole Gallican Church itself. See the book On the Force and Reason of the Primacy, ch. 3, no. 2. If this subordination the Apostles themselves were obliged to render to their Saint Peter; how can it be denied to the successors of Saint Peter by the successor Bishops of the Apostles, since among these especially — who are not imbued with the same Spirit of the Apostles — the maintaining of unity is most necessary?

5. Although Episcopal authority is in its origin of divine institution, and therefore equally immutable as divine law, yet two things cannot be denied to it, since they did not belong from Christ's institution to things pertaining to both authorities, but were committed to the leaders of the Church — namely Peter and the Apostolic successors — so that they might dispose of them; for they are to be referred not to immutable divine law but to mutable discipline: namely, I. the designation of subjects or dioceses, in which Bishops should exercise their authority; II. the determination of how much the exercise of certain Episcopal faculties ought to be. Concerning the designation of subjects or

dioceses, which are committed to each Bishop, I conclude in a few words that the jurisdiction cannot be legitimately exercised except over subjects (for jurisdiction cannot be legitimately exercised except over subjects) from the plenary unlimited power given to the Apostles by Christ himself — necessary indeed in those beginnings, so that the Church might the sooner be built up — since therefore all were able to preach the Gospel everywhere, to erect particular Churches and Episcopates, to consecrate Bishops, presbyters, etc., and to carry out all other functions of the Apostolate anywhere. But this unlimited jurisdiction over the entire world, assigned to the Apostles from the special necessity and utility of those beginnings, was an extraordinary gift of the same kind, which for the good of unity (as we shall presently say) was not to pass to the successor Bishops of the Apostles; while in Peter, whose authority by reason of the primacy for the good of unity had to be perpetual and pass to his successors in them — ordinary, as it is in his successors, namely the Roman Pontiffs — must be acknowledged as ordinary. Since the extraordinary power of the other Apostles over the entire world, necessary in those beginnings, was not to pass to their successor Bishops by equal right — lest great confusion arise in the already-built Churches, if all Bishops could do everything everywhere like the Apostles — but rather it was expedient to designate diverse dioceses and erect diverse Episcopates, so that each individual Bishop should be placed in charge of his particular diocese, and looking at his assigned flock might more easily provide for it: this designation of dioceses and subjects, which Christ did not institute but committed to the Apostles and their successors, is not of immutable divine law but of Ecclesiastical law; and therefore, as belonging to mutable discipline, is subject most properly to the disposition of the successors of Saint Peter, who since they have from the same primacy of Saint Peter ordinary jurisdiction over the universal Church, can indeed use the same ordinary jurisdiction in individual dioceses equally as those Apostles could use extraordinary jurisdiction. From this power in the dioceses of all Bishops — which is ordinary only in the successors of Peter by right of divine primacy — the Roman See can, if it is expedient, suppress some Episcopates, erect new ones, divide one into two; it can also, if it conduces to the edification of the Church, withdraw certain subjects by

exemption from the jurisdiction of the Bishop, which is more opportunely said elsewhere in law.

6. Furthermore, the Bishops whom the Apostles constituted, with regard to the use and exercise of the Episcopal faculties within the limits of the assigned dioceses, were subordinated to those same Apostles, insofar as these could limit and regulate the use and exercise of their faculties for the good of the Church from Christ's definition — lest one dare deny this. And what each individual Apostle could do by that extraordinary jurisdiction over the entire Church, especially Peter — who had jurisdiction over the Apostles themselves by reason of the primacy — could do much more; and since the extraordinary jurisdiction of the others over all Churches passed in Peter's case as ordinary to the successors of Peter, the Supreme Pontiffs — this regulation and limitation of the use of Episcopal faculties passes to them by the same right: and hence even our adversaries with Gerson, and the ancient practice of the Church itself, and ancient examples in the preceding work On Ecclesiastical Power, ch. 1, §5, confirm that they can limit and regulate the use and exercise of Episcopal faculties. Nothing in this is against the divine right of the Bishops; since although Christ instituted the authority of the Bishops, the designation of dioceses and subjects and the moderation of the use of Episcopal faculties is left to the Ecclesiastical disposition; and these things pertain to the mutable discipline of the Church, which can vary if it expedites the good of the Church.

7. Lest in this limitation or moderation of the Episcopal faculties, whether regarding dioceses or regarding faculties, subordinated to the ordinary right of the Pontifical primacy, there be an unbridled ruler — one bound by no laws who roves about at will arbitrarily and licentiously — the Papal power is subject to the natural and divine law declared by Saint Paul: Power is given by God for edification, not for destruction. What would tend to the destruction of the Church would be an abuse of pontifical power; its legitimate use is that alone which serves for edification, that is, for the public good of the Church.

8. Since Febronius wishes to restrain the pontifical power within these bounds of divine and natural law, and to revoke it to the norm of the ancient canons — being of the opinion that the Supreme Pontiff and his authority are subject to the coercive force and canonical authority, especially of the general councils, and so to be restrained by coercive force — so that those same Pontiffs, if they abuse the given power, can be summoned by a general synod, and (if need be) even deposed, since they are subject to a jurisdiction immediately conferred upon the universal Church and the ecumenical synods representing the universal Church — this thesis, as we showed in the preceding book (On Ecclesiastical Power), is false, most firmly and most strongly refuted by all antiquity, and will not be found resolved by anything drawn from Febronius's arguments. He only cites as patrons of his opinion those authors who, from that very Febronian principle, cannot be admitted as adequate for proving any thesis — namely those whose opinions only those senses may be admitted (t. 1, pag. 50 at the end) concerning which all Catholic schools agree. He introduces the Synods of Constance and Basel, the canons of which have been objected on this matter, and was no more proven there than it is proven here. On the other hand, from the reason of the primacy, which attributes coercive force to the Pontifical jurisdiction in the whole Church even collectively taken and in the general councils themselves, which without the consent of the Roman Pontiff obtain no authority proper to an ecumenical synod either in the business of faith or in matters of discipline, and which exempts those Pontiffs from the judgment and power of any council; and from the entire antiquity — so venerated as superiors of the Pontiffs — so that even if they err most gravely, they can be judged by no one except those receding from the Church by heresy or schism and being pertinacious in heresy or schism have lost the superiority of the Church — was established in many places in the same book. Febronius, therefore, who by no effective and adequate authority or reason subjects the Roman Pontiffs to the canons and the coercive force of general councils to which they gave no assent, wishes to subject them to their inferior Bishops — who even collectively in the nature of the primacy ought to be subordinate — and thus how much the primacy in the matter of discipline extends the jurisdiction, who does not understand?

10. How much this same primacy detracts in this matter from the supreme authority of the Apostolic See, which belongs to the primacy, will perhaps appear from an even more evident consideration. How much the Supreme Pontiffs did and established not so much in the governance of the Western as of the Eastern Churches, from the ancient surviving monuments, must be noted in the following chapter. Their acts show in the universal Church that they derive from the primacy alone. Febronius, lest this coercive force of the primacy is attributed to it for various and various other reasons, attributes most things: some in the Western boundaries to the Patriarchal right, which has Ecclesiastical origin; some to the concession of councils; some to the deference and obedience of the Bishops, or to at least the tacit approval of the Churches — all of which pertain to Ecclesiastical institution, so much so that he wrote (c. 2, §7, n. 9): The universal primacy has some of its rights partly from divine law, partly from human, indeed more from the latter than from the former. The order of the Episcopate has almost all its rights from divine law. Thus he makes the juridical reason of the pontifical primacy much worse than that of the Episcopal, since from the former more things derive from human law, while from the latter almost all from divine. This, though very injurious to Pontifical authority, is nonetheless owed to him in some way, if the faculties he believes should be attributed to the primacy from divine law were the true and principal faculties of coercive jurisdiction; but setting aside those which he refers to human law, what in the matter of discipline remains that the primacy reserves and attributes from divine law — unless those things that present mere direction, mere inspection, mere execution of canons, and other things of the same kind reviewed in the preceding chapter — which are all not the true and principal coercive jurisdiction but merely constitutive of the order and honor of the primacy?

11. This will be explained more clearly by the example of the power of the Pontiffs attributed in enacting laws of Ecclesiastical discipline. This power of the primacy is conceded by Febronius, insofar as the supreme primacy is competent to inspect and propose what is useful and necessary for governing the Church. This is of mere direction,

honor, and order. But what of the coercive right, which properly pertains to jurisdiction? This right Febronius so much denies to the Ecclesiastical Pontiffs in laws, that he affirms they have no power of obliging, unless they are received by the Church, in which thing he does not even spare general councils, to whose laws he imposes the same condition. Thus indeed this kind of jurisdiction for enacting laws is entirely destroyed. General Ecclesiastical laws, which bind all, cannot be enacted except by those who are placed over the whole Church. Such are the Pope and the Bishops assembled in a general council. But the power of binding given by Christ to Peter and the Apostles was not given under the condition of the consent of the subjects: otherwise they could not bind by themselves, unless the subjects, receiving the law by their own consent, bound themselves to it: which would be to remove the legislative power from Peter and the Apostles and their successors even assembled in a council, and to transfer it to the reception and consent of the subjects. Since therefore it is not in the judgment of those subject to it to receive or reject an Ecclesiastical law issued by the Pope or a general Council, it is certain from Paul's letter to the Romans 13 that those sin gravely who contentiously resist the superior power — unless perhaps it be presumed from the tacit will of the legislators themselves that those who are not willing to bind certain persons are not included in the enacting of the law. It is a certain presumption that the Tridentine Synod's decrees pertaining to the use of the Latin language in divine services, to the rites and forms of some Sacraments, to the use of chalices, and other such points of discipline — expressed indeed in general terms — did not wish to bind Orientals. And similarly where from concordats, or from long-standing regional custom, the Ecclesiastical legislators are not unknown, and it can be presumed from their at least tacit consent that they ratified those things, so that the laws or decrees of discipline may not obtain the force of obligation unless they have been promulgated in the same places; and it may be presumed that they, unless they openly resist, were not unwilling to be bound absolutely by new laws or decrees: from which, since it is expedient to receive them, care is taken that they be promulgated and received. But if laws absolutely issued were not received by those who ought to have complied with them — lest it turn to the public harm of souls —

the law which has been publicly issued in good faith, with the legislator knowing and not repugnant and tacitly consenting, can so lose the power of binding, or be legitimately abrogated by prescription. If Febronius had written only this, he would have detracted nothing from the right of the Pontiffs or the Councils. But he who affixes the force of law to the reception and consent of the subjects, while he affirms that the mere right of proposing, not of compelling, belongs to them in those laws, entirely destroys the jurisdictional force of legislation. But let us pass to other matters by which the character of Febronius in derogating even more from the Apostolic authority is detected, and the legitimate pontifical power is more and more vindicated.

CHAPTER III

On the Supreme and Full Ecclesiastical Power Which Belongs to the Roman Pontiffs by Right of Primacy. Within What Bounds It Is Circumscribed by Divine and Natural Law. How Far Is It Alien from the Monarchical Arbitrary and Unbridled Domination That Febronius Attributes to It. The Supreme Power Is in the Government of the Church, But Not the Sole; And in What Way the Government Is Not Simply Monarchical but Monarchico-Aristocratic

1. From what has been established so far, it is easy to understand how truly the supreme and full Ecclesiastical power belongs to the Supreme Pontiffs by right of primacy. That power is supreme which stands above all the powers of the Church so eminently that it is subject to none of them. That the primacy of the Pontiffs is the supreme power among particular Churches and Councils, and is not subject to any particular Church or Council which represents any particular Church, is manifest from the condemnation of the errors of Wycliffe made at the Council of Constance, and approved also by the Gallican Bishops (See the Preface to the book On Ecclesiastical Power, no. 2). Hence at a minimum the right of jurisdiction belongs to the Supreme Pontiffs over all the Bishops and individual Churches by reason of the primacy — which is not of mere order and honor but of a special jurisdiction of the primacy. This is confirmed by the deeds of the most ancient times in every occasion. For often in the most ancient editions of the works of Saint Leo, the exercise of this pontifical jurisdiction was brought out from his own letters — and this would have provided most ample material for the dissertation, had we not believed that for moderation and brevity it would suffice to indicate only the texts pertaining to this in the index of the first volume with these words: The jurisdiction and solicitude of Leo over the universal Church. And what is done for Saint Leo could equally be done for Saint Gregory the Great, as well as for other ancient Roman Bishops, whose letters have come down to us in no small number — and the same could be said of other more ancient ones if their letters and the memory of their deeds had not been lost through the vicissitudes of time.

2. Here, however, what Febronius audaciously wrote (c. 1, §7, n. 7) must not be tolerated — that in the early centuries of the Church the bishops of the provinces governed their particular Churches without consulting the Roman Pontiff. For though in ordinary cases the Bishops once governed their Churches by themselves or through particular councils, yet in more serious and difficult circumstances, and especially on the occasion of dissensions, schisms, and heresies, even in the earliest centuries, the Roman Pontiffs were considered worthy of consulting. Does not the first-century letter of Saint Clement to the Corinthians belong to this, in which he mentions some questions proposed to him, and offers an excuse for responding later? Does not in the second century Saint Polycarp journey to Rome, not so much on the matter of the paschal day as on some other questions to negotiate with Anicetus the Pontiff, as Eusebius narrates from Saint Irenaeus, lib. 5, Hist., c. 24, where he also testifies that Bishops of the Asian Churches came to the same — as he calls them — for ecclesiastical matters? He praises the letters of Dionysius the Bishop of the Corinthians to Saint Soter in lib. 4, c. 23, in which letters of the Roman Pontiff himself to those same Corinthians are mentioned, and which were read in the public ecclesiastical gatherings of the Dominical day and then even further handed down to be read — held in the same esteem as the letters of Saint Clement. Saint Irenaeus hands down from the martyrs of the Viennese and Lyonnese Church that a legation was sent to Rome on behalf of certain matters of the Church, as Saint Jerome narrates in the book On Illustrious Men, ch. 45. Who does not know the letters given and returned by SS. Cyprian and Cornelius concerning the matter of baptism, or concerning the discipline of receiving those who had lapsed during the persecution? What of the causes of Origen, Dionysius of Alexandria, Martianus of Arles, or of Donatus at Casa Nigra, in which the Roman Bishops' authority prevailed? How much the Bishops of the East — Saint Athanasius, Saint John Chrysostom, Saint Flavianus of Constantinople, and other Eastern Bishops vexed by various persecutions — deferred to this authority, is known to all. What of the deposition and condemnation of Apollinaris of Laodicea and Timotheus of Berytus, which the Oriental delegations sought twice from Damasus the Pope, as the same Pontiff narrates in a letter at Constantine, n. 3? Most notable are the

testimonies on the custom of consulting the Apostolic See in more serious causes — which custom Innocentius I affirmed 'always observed by the whole world from ancient tradition' — in letters to the Fathers of the Council of Milevis, and also declared sufficiently to the Council of Carthage before the Sardican Council. These, in the scarcity of the monuments pertaining to the four earlier centuries and to the beginning of the fifth, seem sufficient for refuting the general proposition of Febronius.

3. If to these are added many other things of the same kind from the subsequent age of the Roman Pontiffs, and from the deeds and documents of the earlier times of the Pseudo-Isidore, it will be evident that they directed all those who resorted to them — not only by consultation but also in all the Eastern and Western Bishops and Metropolitans — performing acts of jurisdiction in the dioceses always, which can be ascribed to nothing unless the right of the primacy: and since this right was competent to the primacy by divine law, it was also ordinary in the same; not wrongly therefore the Popes may be called and considered Ordinaries of Ordinaries — since in alien dioceses as well the ordinary jurisdiction of the primacy was competent to them — to be exercised however with that moderation of which we will speak presently, and especially in ch. 4.

4. Nor should those things of Febronius move anyone here, by which — as the indicated acts of the Roman Pontiffs in alien dioceses and provinces are shown to extrude from their ordinary right — he insinuates that all Bishops can equally perform the same things everywhere if necessity urges, as some things of that kind reviewed from him in ordinations (c. 3, §1, n. 3) performed a few holy and celebrated men outside their dioceses and provinces; yet those men should not be believed to have exercised ordinary jurisdiction in those places, nor can they rightly be called ordinary ordinaries. The reason concerning those men is clear. For since those men did them out of charity — to provide for public necessity (which Febronius acknowledges only under the name of necessity) — and then it is certain from another source that the things done out of charity and necessity by anyone in places and persons in which he has no proper ordinary right cannot be attributed to the true and ordinary jurisdiction itself — nor are they referred to

the true and ordinary jurisdiction — since even a layman in necessity baptizes. Febronius therefore incorrectly called 'rights' such Episcopal duties, which were performed not by right of jurisdiction but are offices of charity. What impelled those holy and celebrated Bishops who had no proper right in alien dioceses and provinces to perform such things, charity alone, which constrained by no bounds hastens wherever the necessity of the Church calls.

5. Nor should the same be said with Febronius concerning the Supreme Pontiffs, as if those things done outside the bounds of the Roman diocese should not be referred to the ordinary right of the primacy. For the proper right of the primacy is by divine institution extended into the whole world and the universal Church; and since the proper right of the primacy is in those who have it the ordinary right: whatever they performed and perform anywhere by right of the primacy, is properly ascribed to their ordinary jurisdiction. Hence those things which were given on occasion by the Supreme Pontiffs in the dioceses of the Eastern and Western Bishops, with the necessity or utility of the Church demanding it, pertain to the ordinary jurisdiction of the primacy — who would doubt?

6. In order that the acts of the Roman Pontiffs may appear more clearly, we must distinguish those faculties which belong to the Patriarchs or Metropolitans from those referred to Episcopal faculties. Concerning the former acts, what should be recalled here is that, as we explained more broadly elsewhere (On Ecclesiastical Power, ch. 1 and 2), only Saint Peter — by right of the primacy, which was the primacy of the most principal jurisdiction, and not of mere honor and order — from Christ's institution obtained a certain special and ordinary jurisdiction above the Apostles themselves, and by the same divine right only the Roman Pontiff who succeeds Peter has obtained the same special and ordinary jurisdiction above the other Bishops. The other hierarchical grades of Patriarchs and Metropolitans above the Bishops of their patriarchates and provinces were instituted by the Apostles or subsequently by the Church (ibid., n. 9), yet not without some consent of Peter or his successors — since they are of Ecclesiastical law, they cannot bring any prejudice to the divine institution of the primacy, nor can they effect that

the successors of Saint Peter enjoy the same divine and ordinary right above the Bishops as the sole Saint Peter enjoyed by divine institution. Since moreover these grades were instituted by the Church for this reason — since only the Roman Pontiffs, successors of Peter, could not be everywhere present, nor provide equally for all, which is necessary and useful for the governance of so many Bishops and Churches — they are instituted in some manner in the place of Peter himself, so that they might conduct in their dioceses and provinces above the Bishops those things which Saint Peter, if he could be ubiquitously present, would be able to perform and provide for from the divine and ordinary right of his primacy. These hierarchical grades therefore were introduced by the Church not to weaken the right of Peter, but to supply in some manner the office and vicarious role of Peter, so that Patriarchs and Metropolitans act as vicars of Peter in a way — so that whatever they perform from Ecclesiastical law alone over the Bishops of their patriarchate or province of the same, they perform as a vicariate and delegate: which since it cannot derogate from the divine and ordinary right of the primacy, the Pontiffs similarly cannot effect — so that they do not perform and dispose some things which belong to the Patriarchs or Metropolitans by canonical right, as they perform this from the ordinary right of the primacy, so as not to be called invaders of alien rights. These things certainly (as I noted elsewhere) should not be done indiscriminately and without just cause by the Pontiffs, lest the order instituted by the Church be perturbed, which is a great cause of scandal. But whatever seems to be done by them, from the ordinary and divine right of the primacy cannot be denied.

7. The same holds for the moderation of Episcopal faculties, which (although in origin they are of divine institution) nonetheless appear to have sufficiently proven that their use and exercise are subject to the ordinary right of the Pontifical primacy. That right by which in cases of necessity or any other just cause the Supreme Pontiffs exercise something of right in alien provinces or dioceses (c. 2, §2, n. 4), is a certain right of devolution or whatever name Febronius may wish to call it — will always be the proper and ordinary right of the primacy, by which for the necessities, utility, and edification of

the Churches, they officiously provide from their supreme right; which things are performed from office, not of charity, but of jurisdictional functions. Hence the distinction between those things which other Bishops sometimes performed outside the bounds of their dioceses — in which they had no proper ordinary right — out of necessity or public utility, and those things which from their proper right of the primacy the Roman Pontiffs did and do in any just cause in alien dioceses and provinces, is apparent, since in all of them the proper and ordinary jurisdiction of the primacy was and is competent. If a parishioner does not baptize out of negligence, or is prevented by some other impediment, the Bishop baptizes; is this act of the Bishop attributed to his right, since even in necessity he must supply, yet supplies from office and proper right — by which he has ordinary jurisdiction over all of his diocese — not by charity? Similarly, therefore, the Roman Pontiff — from the ordinary and peculiar right — is endowed not only over all the particular Churches but (as was proven in the preceding book from the doctrine of the Constantinian Council, which must be conceded even by the adversaries themselves) over the universal Church even collectively assembled in general synods, over which he himself exercises his jurisdiction — and the jurisdictional and pontifical power of the primacy is entirely supreme, subject to no other Ecclesiastical power. Even some Holy Fathers and general councils, such as Trent, have given testimony of this supreme power, which would not be true if he were not superior in power to all.

9. Lest this prerogative of supreme jurisdiction be called into odium and envy — as if the whole Ecclesiastical power were in the sole Supreme Pontiff — it must be noted from Saint Bernard (On Consideration, lib. 3, c. 4, no. 17) that this authority is indeed supreme, but not sole, since the Bishops are divinely set over their Churches by the Holy Spirit and are given power of divine right. Although therefore the Pope has right over them — by which he can moderate and limit the use and exercise of Episcopal faculties — yet not for his pleasure and arbitrary will but insofar as it expedites for the good and edification of the Church; and thus he cannot draw all things to himself, nor consider the Bishops as his vicars, nor have all dioceses as if his one diocese in the whole Church, but

the Bishops must have ordinary jurisdiction of divine right in their respective dioceses; and therefore the ecclesiastical governance, over which the Pope and the Bishops preside from divine institution, is not merely monarchical — as in secular kings — but is a governance mixed from monarchical and aristocratic principles, as Gerson and other Gallicans have noted. Febronius himself was compelled to agree on this score, having expounded the reason of Ecclesiastical governance in these words (c. 1, §8, n. 5, t. 1, pag. 27): Since the Church is not enclosed in one people, in one corner of the globe, but is diffused throughout the entire world, so that it is impossible for one person to attend to all, and the welfare of the Republic is always better seen if governed by its own lords, not by mercenaries: the form of monarchical government that easily tends to despotism does not suit it — against the nature of ecclesiastical governance founded in charity and humility... but neither from the other side would pure aristocratic rule expedite it, since this is a seed of discords, from which unity could scarcely be preserved. And thus the primacy was instituted by God of such a kind, as we describe here from sincere antiquity, most suitable for preserving unity. He who affirms that neither purely monarchical nor purely aristocratic governance suits the Church, and must approve a mixture of both, acknowledges as monarchical that the Supreme Pontiff — endowed with the primacy for preserving unity — is not of equal power with the other Bishops, lest by equality of rights the governance be merely aristocratic, which — being the seed of discords — unity of the Church could scarcely be preserved. In order that unity may be preserved among the Bishops, one must preside over all, to whom all are subordinated, as we note in chapters 1 and 2. In order that despotism may be declined from the one who presides over all, since he cannot be subordinated to those — over whom by right of the primacy he presides — it suffices that divine and natural law, which ordains supreme power to edification, not to destruction. Since we acknowledge this one supreme and full power, why is there so much contention about monarchical governance?

13. I see here Febronius taking himself back, saying that he is attacking not just anyone but only the excessive use, or rather abuse, of the supreme and full Pontifical power —

by which, after the false Pseudo-Isidorian decretals, a power incompetent for the Supreme Pontiffs was attributed to derogating from the ancient discipline and the legitimate Episcopal and Metropolitan faculties, from the councils of particulars no less than generals, and confirmed by use and the observance of the whole Church — which, ceding to the destruction of the ancient sincere law and the best Ecclesiastical institution, is proper to an irregular and unlimited domination: which the reason of the primacy — instituted for power in edification — utterly repugns, and can be defended by no one unless he holds that Pontiffs can from the primacy do all things even in destruction. But these things to refute, it is first necessary to explain by certain principles what is for the edification, and what cedes to the destruction of the Church, and from the same principles to compare those things that are brought as reproofs by Febronius — as if abuses of power hostile to the edification or good of the Church — and those things later posited from the Pseudo-Isidorian decretals will be more easily disposed of.

CHAPTER IV

Explanation of What That Supreme and Full Power Belongs to the Roman Pontiffs Above the Competent Faculties of Bishops, and Handed Down for the Edification of the Church. Distinguishing the Power from Its Use. Acts Arising from Abuse, Which Are to Be Attributed Not to the Power to Be Granted, but to the Vice of Those Who Abuse It, Are Not Grounds for Negating the Power. On Acts of Abuse That Are Unlawful but Not Invalid

1. While we speak of the power of the Roman Prelates in limiting and moderating the use of Episcopal faculties, which limitation and moderation Christ did not institute but left to the Ecclesiastical disposition — we speak of what, though the power is established by Christ for instituting the principal jurisdiction of the primacy, pertains to immutable divine and faithful law concerning the business of faith — yet the actual use of that power, or rather the actual limitation and moderation of those Episcopal faculties under certain causes, belongs to the Ecclesiastical disposition and the mutable matter of discipline. In this matter, in which nothing by natural or divine law is prescribed or forbidden, all Ecclesiastical power is restricted by God himself with the condition defined in advance, that it shall establish, prescribe, forbid, and change nothing except what is in the edification of the Church. Therefore the whole question of the power, or rather of the use of the power of the Supreme Pontiffs concerning the limitation, moderation, and even the restriction of Episcopal faculties — of which we have discoursed in the two preceding chapters — is here recalled, to determine whether and to what extent the limitation, moderation, or restriction of those faculties from the discipline of later times — which Febronius calls for reproach — ceases and fails even in the edification of the Church. This new discipline has been changed from the old not a little, this cannot be denied. But in mutable discipline not every mutation and abrogation of ancient canons is to be referred to the destruction of the Church; if the mutation and abrogation itself is for the variety of times and circumstances, into edification — that is, for the good, utility, or necessity of the Church. To explain this more clearly, I shall use the example of Ecclesiastical dispensations, by which the universal law is derogated in particular cases.

For what holds in a particular dispensation — by which a particular derogation is made — holds also in a general derogation, by which a new discipline in law abrogates the old.

2. The common teaching is that dispensations from Ecclesiastical laws — even ancient or more recent ones in force — are to be granted by no one except for a just cause, which requires some true necessity or public utility: for what is granted from such necessity or utility cedes to the edification and good of the Church, and hence is legitimate. These things are received and praised by all from Saint Bernard (lib. 3, de Consid. c. 4): Where necessity urges, dispensation is excusable. Where utility prompts, dispensation is laudable; utility, I say, common, not private. For when none of these exists, it is not a truly faithful dispensation (that is, in the edification and good of the Church); but a cruel dissipation, which leads to harm and destruction. That what holds for the power of dispensing from someone, holds also for the power of limiting and moderating those faculties of Bishops that are subject by divine ordination to the Pontifical disposition — so that Saint Bernard taught in epist. 131. The fullness of power, he says, bestowed as a singular prerogative upon the Apostolic See over all the Churches of the world, RESISTS GOD'S ORDINATION. Then straightaway he adds: It can, if it judges USEFUL, establish new Episcopates where none have been. It can depress those who exist, exalt others, as REASON dictates; thus it is permitted to create Archbishops, and conversely if NECESSITY seems fit, etc. And not unlike this Ivo Carnotensis epist. 238, to Paschal II: We do not resist in this, that the Apostolic See can diminish the amplitude of parishes, or increase brevity, if the UTILITY of the people of God requires it, and no schism may result from it.

3. What Bernard delivered on the fullness of pontifical power concerning the assigned dioceses of the Bishops — no less is to be said of the same power concerning the limiting or moderating the use of Episcopal faculties, in which the Bishops were subordinate to the Apostolic authority, if just cause for the edification and good of the Church demands it. Febronius himself certainly confesses (c. 3, §5, n. 5, t. 1, pag. 83): It cannot be doubted that the established rights of Patriarchal Sees cannot be doubted, since the institution of

their sees and the rights attributed to them can be changed, enlarged, or even restricted by the Apostolic See for the good of the Church. He denies that this can be said because the institution of the Patriarchal Sees is from Ecclesiastical law — their prerogatives and faculties are also subject to Ecclesiastical law. Is it not said that even the institution of the Bishops themselves was of divine law, but their use of faculties was not established by Christ? Now the same Febronius says (c. 3, §2, n. 4, pag. 79): By a certain extraordinary manner of devolution, as it were, and under the title of RIGHT, the Supreme Pontiffs LEGITIMATELY accepted many things, when NECESSITY was urgent or the manifest UTILITY of the Church was present: and he confirms this from the testimony of Thomassini, that the discourse is not so much about the functions of Metropolitans as about those of the Bishops, whose DUTIES the Supreme Pontiffs supply then at last, when charity urges and necessity compels. He attributes this to a certain extraordinary right, since Febronius attributes to it the things arising from the negligence of the Bishops, or any other cause extraordinary; yet the ordinary right in this of pontifical authority must be acknowledged, insofar as the Episcopal faculties concerning the use and exercise are subordinate to the same authority by divine ordination and ordinary right of the primacy, to which from office it belongs to provide for the necessity and utility of the Church.

4. Indeed the Pontiffs should not, as noted before, lightly and at will diminish and limit the faculties and rights of the Bishops for any cause; for this would deflect to the public harm and great perturbation of the Churches. But if a just cause occurs — which it is useful or necessary for the public good to judge — to effect something of that sort, to reserve some things: who would deny this to the supreme Pontifical power? The certain good of the Church and the natural order demand that the primacy of the whole Church not have this power in limiting the faculties of the Bishops themselves denied. For the Bishops were instituted by Christ for the good of the Church, not the Church for the Bishops; they must so study utility and necessity of the Church, that they do not unjustly bear it, if from the utility or necessity of the same Church the supreme power censures

some limitation, moderation, or reservation of their faculties to be made. Trent indeed — the ecumenical synod — vindicated for this supreme power (Sess. 7, cap. 7, de Poen.) the reservation of more serious crimes, from which the Bishops in the original ordinary right could absolve; and no Catholic can indict this as an unjust invasion in this respect — since even the general Council itself confirmed the ignorance and injustice of its opponents. This reservation was perhaps taken on the occasion of the deference of some Bishops to the Apostolic See, so that by this bridle sinners might be restrained. This very particular utility of reservations, which by degrees led to the general reservation of some more serious crimes, accrued no great utility and benefit of the Church? Who therefore would brand and mock this as it were an intolerable abuse of power?

5. The two exceptions by which Febronius has tried to extenuate that Tridentine decree are most vain. He first says (c. 7, §6, n. 6, t. 2, pag. 28), that this faculty of the Pontiffs, which originated from the deference of some Bishops, then extending itself to a general reservation, took its force from the consent of those same Bishops — as if they properly transferred to the Pontiff a right belonging to them. Now the observance of some Bishops, who in the beginning referred particular cases to the Apostolic See, can prove the consent of all who never thought of abdicating a power that did not belong to them? Those who initially referred those cases to the same See — of a power which those would not have been competent for — are they to be said to have virtually transferred their right to the Pontiff, who had from the institution of Christ the power of binding and loosing all things — not having the power in those cases of absolving, unless the Bishops had conceded to him this power? Is the authority of the Roman Pontiffs less, in whom the same right of Peter's primacy and jurisdiction passed? Did Trent itself not reserve the whole right of reserving — not by the deference of the Bishops, but into the supreme power of itself (that is, the Supreme Pontiff) in the universal Church traditionally expressed — openly say? He says secondly, that this power was derived from the Tridentine Fathers from the Pseudo-Isidorian principle, by which the Pope was called the Ordinary of Ordinaries. The most excellent general council from the collection of

Pseudo-Isidore is thus said to have been deceived by ignorance and error of the true law, and this can be corrected in another council. But these and similar things more audaciously said from the prejudice of a false system concerning the Isidorian collection will be expended in the following chapter — no one will wonder, who knows well the force of prejudices.

6. The exemptions from the jurisdiction of the Bishops that are general were granted by the regular causes for most part, so that those same regulars might be withdrawn from the Bishops, who were troubling and oppressing them, so that they might more quietly and safely attend to the study and observance of their rules: which thing confers a certain utility and necessity to the edification of the Church. The abuses of some regulars were born, who were an obstacle to the authority of the Bishops and a scandal to the people; and the complaints against such exemptions were also brought by holy men to the Apostolic See: not because the supreme authority of that See was to be called into doubt in these matters or those exemption privileges were to be considered invalid; but because from the abuses of those using the privileges badly, it did not seem expedient to grant exemptions so easily — which if not from the nature of the exemption per se, certainly from the perverse morals of those using them cede to destruction. No one will doubt that abuses of those using them badly should be corrected, and those who proceed from the regulars should be corrected; while the same Febronius, in his observance toward the Pontiffs, does not dare impute the origin of abuse to the Curia or those abusing the Apostolic concessions, but rejects it. Many abuses of dispensations and other graces, which generate scandal, are to be ascribed to obreption or subreption of petitioners; many also from the connivance of some Prelates, required from the Holy See before the concession, whom the pious mother Church trusted. Not a little is to be feared from those who — from some conceived zeal, but not according to knowledge — allow themselves to be carried off to criminate the superior, whose actions they are ignorant of, and presume viciously what ought rather to be judged good and licit. Here opportunely from Saint Gregory the text from the fifth book of Moralia on Job, ch. 5, no. 24 is offered,

where dispensations rendered odious by the ignorance of causes is in his own age described in not rare terms: Often, because they cannot be understood, the worse are displeased by the facts or words of the better; but they should not for that reason be reproved for them, since they cannot be truly grasped by perception. Often something is dispensatorily done by the greater, which the lesser account as error. Often many things are said by the stronger that the weak condemn because they are ignorant. Let him fear much more whoever is preoccupied with Febronian accusations to accuse the Supreme Pontiffs, as abuses not to be borne, those things which, according to today's discipline, it was lawful to grant for just cause — since he is ignorant of the cause or reason of those — since abuses, if any follow from them, proceed not from the Apostolic power but from the malice of those who abuse it.

8. But if any abuses from some culpability of the Pontiffs themselves — which can by no reason be excused — sometimes proceeded (which however must especially be cautiously judged by an inferior about a superior, whose reasons are unknown): it is not from this that the power should be denied — which is certain from another source and, as we noted at the beginning, pertains in its origin to the immutable divine right — nor is the power made invalid from abuses; much less should the power be denied from abuses, if the abuses proceeded not from the Pontiffs themselves, but from the culpability of others who converted to evil what was instituted for good. The power of jurisdiction given in edification and not in destruction — even though used rightly for edification, from abuse (from wherever it comes) cedes to destruction — yet is to be said as absolutely conceded, so that it may not from abuses be made invalid, nor the acts flowing from it — from the very guilt of the unlawfully abusing — are to be held invalid by anyone. This is conceded even by Febronius and other adversaries, since those who certainly know the Episcopal power will not deny the acts proceeding from it (if an irritating law does not impede) — affirming them invalid — even though the Bishops themselves have abused their power from their own or alien vice. The supreme powers of the secular world have a certain power; nor however is the same power from its abuses called into doubt, nor are the

resulting acts considered invalid per se — lest the evil that proceeds from those abuses be added to other public harms, which often from invalid acts in innocents' detriment would return. Indeed those who cooperate from whatever source in the abuse act illicitly; but not all acts which are done illicitly are also invalid; hence the common saying, Many facts hold that are forbidden to be done. Those abuses which Febronius introduces from the limitation or restriction of the Episcopal competences — and even sometimes exaggerates — move many, and I also will not lightly say they do not move me. Who is worthy of praise who seeks a remedy for all such abuses? But if he places the remedy in negating or impugning the legitimate and certain power, he acts wrongly and unjustly.

9. The testimony of Joannes Barthelii should be considered here, which Febronius recites, ch. 9, §11, no. 3 (t. 2, pag. 125): While there are men, there will also be vices and sins, there will be abuses, superstitions, and immoderate power and authority called legitimate abuses: which are to be attributed not to the power per se, but to the vice of those who abuse it. If from these abuses the power utut legitimate should be negated; who does not see that it is necessary to negate the power then of the Pontiff, then of the Episcopal, then the ordinary, then the delegated — which from the frailty or malice of men is tainted with many abuses? Let Febronius say this, if he can; and if he cannot say and affirm it, let him cease so to declaim against abuses that the supreme power appears to be negated. Since from the place cited from the same Barthelii, all abuses cannot be removed at once, but sensibly are to be overcome; and by no doubt all the decrees by which the Episcopal faculties were revoked to the Apostolic See are to be considered invalid, nor all the resulting acts invalid through abuse — which to prevent the public harm must at once be corrected simultaneously. Media he has suggested by which this reformation can be obtained gradually by prudent economy. But whether these media conduce to edification, or rather to destruction, will be expended below in its proper place. It suffices me now that the supreme and full Pontifical Power, as thus far explained and vindicated, is such that it takes no harm from the objected abuses by Febronius.

CHAPTER V

On the Forged Pseudo-Isidorian Decretals, from Which Febronius Greatly Detracts from the Supreme and Full Apostolic Authority; Three Questions Proposed and Answered

1. The same Febronius no less detracts from the supreme and full power of the Roman Pontiffs when he declares that the power which those same Pontiffs now exercise, resting upon the forged Pseudo-Isidorian decretals, was partly declared by false and fictitious sources. He so presents the modern law of the Pontiffs as stripped of all genuine and stable foundation — as having prevailed through the impostures by which it has been induced and propagated. And on this hypothesis those same Pontiffs who were prevailed upon by such spurious false law — having been excluded — are to be summoned back to the norm of the ancient canons, in which the sincere and true law is situated — as he contends. This Febronian system, injurious to the Pontifical authority and jurisdiction of the primacy, though from the premises it can appear sufficiently refuted, yet in order to refute it more and more, Some things from the Pseudo-Isidorian decretals are here judged to be discussed from design, which obscure the whole matter. The epistles which Pseudo-Isidore affixed to the most ancient and holy Pontiffs are false, and from those themselves — a falsity not yet detected — many chapters crept into the later collections of canons and were commonly held by the people as sincere, and much was obtained for the faith cannot be denied. Now therefore three things concerning the same decretals are to be addressed. I. Whether they were forged for the benefit of the Roman Pontiffs for the sake of augmenting their power. II. Whether those things which about the same power are handed down in those decretals introduced anything new which had never been heard or received by usage in earlier times. III. Whether if anything from those fictitious documents prevailed by usage and was later received — since it constitutes false and corrupt law, which cannot derogate from the ancient canons — there must be a return to the ancient canons, and everything introduced under whatever name after the ancient canons is an abuse and should be discarded.

Section I

Whether the Decretals Attributed to the Ancient Pontiffs by Pseudo-Isidore Were Forged for the Benefit of the Roman Prelates to Augment Their Power

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2. Of the Pseudo-Isidorian collection we have delivered a lengthy dissertation inserted in the third part of the wider Treatise on the Ancient Collections and Collectors of Canons, which we prefaced to the third volume of our Venetian edition of the Works of Saint Leo. See pag. 215. It is not the work to repeat everything said there. But concerning the present matter, for the benefit of those who lack that edition, it will suffice to transcribe the very same words read there, §5, pag. 220, no. 10, where the first of the proposed questions is addressed: 'What spirit, with what counsel Pseudo-Isidore forged so many documents, must not be omitted. Not a few severely complain against Pseudo-Isidore, as if by his impostures the ancient discipline were abolished and a new one introduced, so much so that from this the nerves of provincial and episcopal synods were disturbed, the laws of synodal judgment and other Ecclesiastical harms were inflicted. But this new and changed discipline, how unjust it may be, anyone can easily understand if he observes two things: most of the Pseudo-Epistolae Isidori to be excerpts from the sentences of the holy Fathers, from the sincere constitutions of the Roman Pontiffs after Siricius, from the canons of the councils and from the Roman laws: those are not new laws and new discipline: all others exhibit that discipline, which had long prevailed, or had begun to be induced a little earlier. The imposture in this consists, that Pseudo-Isidore imposed those sentences on those authors whose they are not, and affixed the discipline of the later age to the more ancient Pontiffs — as if these things had prevailed in the earlier centuries of the Church. Thus the discipline more recently introduced — which was good and useful — should not entirely be called new; the good faith and religion of those who received and approved these documents, if it had been expected by those who accepted his collection, might contain a discipline that was entirely alien from the morals and customs of his own century. This is what is altogether

inaccurate about the introduction of new discipline to attribute it to these fictitious documents: Who understands? But it cannot be denied that the same discipline was more widely propagated, and much more easily and facilely increased, after those same decretals were published and disseminated, and soon lauded in some councils, and subinde even inserted into collections 'of Reginonis, Burchardi, and others, which from their brevity and method were of great use.'

Section II

Whether Those Things Handed Down Concerning the Power of the Supreme Pontiffs in the Forged Pseudo-Isidorian Decretals Introduced Anything New, Which in Earlier Times Was Never Heard or Received by Common Usage

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4. From the cited dissertation and paragraph, number eleven is to be transcribed. 'Not a few complain more severely against Pseudo-Isidore, as if by his impostures the ancient discipline were abolished and a new one introduced, so much so that from this the nerves of provincial and episcopal synods were disturbed, the synodal laws of judgment and other Ecclesiastical harms were inflicted. How much this reproof of new and changed discipline is unjust, anyone can easily understand if he observes two things: most of the Pseudo-Epistolae Isidori are excerpts from the sentences of the Holy Fathers, from the sincere constitutions of the Roman Pontiffs after Siricius, from canons of councils and Roman laws: those are not new laws and new discipline; all others exhibit that discipline, which had long prevailed, or had begun to be induced a little earlier. The imposture consists in this, that Pseudo-Isidore imposed those sentences on those authors whose they are not, and affixed the discipline of the later age to the more ancient Pontiffs, as if these things had prevailed in the earlier centuries of the Church. Thus the recently introduced discipline — though good and useful — should not be entirely called new: it would be a total fool impostor, if he had hoped his collection would be accepted by men, which would contain a discipline entirely alien from the morals and customs of his own century. Concerning the introduction of new discipline, whatever is against custom is introduced, and even if good and useful things, they usually disturb by their very novelty; much more was to be feared from those by which the discipline — per se most excellent and sanctioned by full laws — was perverted and eradicated: and if he had expected his collection would be accepted as sincere, the most stupid impostor would necessarily have recognized that the collection containing such things contrary to the known and well-received discipline of his own century and the customs of all could not be received

by 'anyone' who gathered the truth. However, it seems impossible to deny that this same discipline was more widely spread, and took root much more extensively and easily, after those same decretals were published and circulated, and soon praised in certain councils, and subsequently even inserted into collections.'

Section III

Whether, If Anything from the Apocryphal Pseudo-Isidorian Decretals Took Root by Usage of Later Times, This Constitutes False and Corrupt Law That Cannot Derogate from the Ancient Canons

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15. In Febronius there occurs a frequent mention and distinction of old and new law — of which the one is contained in the ancient canons, the other in the Pseudo-Isidorian forged decretals. He calls the law of the ancient canons genuine and true; the Pseudo-Isidorian law spurious and false: which since it cannot prejudice the old and true law, it renders it a corruption entirely to be corrected. But since we are not speaking of matter of divine or natural law (which, as we noted with him, ch. 2, n. 1, cannot be changed), but of canons pertaining to discipline — which can change for the variety of places, times, and circumstances — the true law in the chapters of discipline is that which is established and confirmed by a legitimate Ecclesiastical power in force. In the ancient centuries of the Church the ancient discipline prevailed, prescribed by the ancient canons, and that then constituted the true law as a whole, to be observed unless just cause for dispensing in particular circumstances had been granted by a legitimate power. If however with the circumstances of the times or places changed, and with public necessity or utility requiring it, that discipline was to be changed or relaxed generatim; the new discipline, later introduced, which obtains acceptance by reception and confirmed usage in force, constitutes true law. If however some things prevailed from apocryphal documents, this does not make false that law — which had its increment or facilitation of

propagation from false sources; for the later discipline does not derive its force and authority from those forged documents themselves, but from the Ecclesiastical power which received and confirmed that new discipline. Whoever therefore condemns this as false law and corruption, must condemn not only the particular councils but even the ecumenical councils of later times, and especially Trent, whose discipline, in very many chapters established, is not the law of the ancient canons, which Febronius alone calls true and genuine, but is discipline later introduced, and for the variety of circumstances changed and mutated, and fortified against creeping abuses and corruptions by opportune remedies. If not all precautions either in Councils or by Pontiffs were sufficient to remove all abuses; such abuses as these should not be attributed to the right from which they do not proceed but to the vice of men, who transgress the limits of the rights; thus they cannot be marked with the note of false spurious law: otherwise the false law would equally have to be said to be the divine law, by which Ecclesiastical powers are constituted, since some scandals and corruptions are born from men abusing the power.

16. In order that something from the Febronian system may not be founded, which impedes readers, the origin of the equivocation must be detected. The whole counsel of Febronius in overturning the governance and established monarchical regimen of the Roman Pontiffs consists in attributing it to the Pseudo-Isidorian decretals — as he thinks — to have flowed from that tendency alone from his entire work. The same Author absolutely excludes all monarchy from the Pontiff (for he indeed recites the testimony of Gerson [Ch. 1, §5, n. 2.], affirming the keys, that is Ecclesiastical power, given to Peter as a monarch); and rejects only the excessive, unbridled, despotic, and arbitrary monarchical power combined with domination — which Christ certainly did not hand to Peter or to the successors of Peter. To favor this excessive monarchical power, it seemed that new law was needed — which after the Isidorian decretals took root and prevailed. And since this new law is spurious and false — since it can by no right be changed or prescribed against divine and natural law, which is contrary to excessive and despotic domination — not wrongly was it seen (c. 8, §6.) that by no prescription, possession, cession, etc., could

the law of the ancient canons, which knows nothing of this unlimited monarchy, be abrogated. The whole equivocation rests in the perverse understanding of the name of monarchy. His arbitrary monarchical principles — which Febronius scolds — are contrary to divine and natural law. But whether those things which obtain from the new law, if anyone denies them from Febronius, cannot be refuted. Distinguish the new law from the abuses of the new law, which do not proceed from the right itself but from the vice of those abusing; and as from those abuses the same power cannot be negated, nor called into doubt: so from the abuses of those who attribute excessive and effrenate power to the Pontifical, the monarchical power above the Bishops, which from right of the primacy it is the business of the Supreme Pontiffs when it is expedient to limit and restrain their faculties, cannot be negated or called into doubt — which the power we have proved to be competent to them by right of the primacy.

17. This power, since it concerns the use and exercise of the Episcopal faculties — which Christ did not institute but left to the legitimate Ecclesiastical disposition — respects the discipline, which can change and be innovated for the variety of times and circumstances; and the new law in these matters — which actually prevails — could prevail against the ancient law by prescription. Hence the hallucination of Febronius is manifest when, in ch. 1, §1, n. 3 in this matter — which is of discipline — he lays down that certain general principle from Vincent of Lerins as though certain: antiquity of religion must be preferred to novelty of profanity, which is true of matters of faith and morals pertaining to natural and immutable divine law; and also that other principle which he says one should follow — that what has always and everywhere prevailed in the Catholic Church with constant observance: since these things cannot be adapted to the laws of mutable discipline, which for the variety of times, places, and circumstances can vary. And let him not say that the power of the Bishops is of divine law, from which detracting is unlawful: for I have said often, and say again, that the power itself as to institution is indeed established by divine law; but that not also the use and exercise of the Episcopal faculties — the determination of which was left to the Ecclesiastical

disposition from Christ's attribution — not of divine, but of Ecclesiastical law is, and is liable to prescription and mutation: hence the Febronian thesis is known to be false (c. 8, §6, t. 2, pag. 66): No use of Roman prescription, cession, possession, custom, etc. is profitable in this part. He insinuates abuses from the institution of Christ, which cannot be said against divine law by prescription. Who however would hold as true the abuses of the power as true law? The power established by Christ for edification by divine right stands; abuses led into destruction are reproved by all and no new right authorities approve them, since the law given by divine law to prevent it from prevailing. The sole power instituted by Christ for edification stands by divine right; abuses led into destruction as contrary to the same divine law are reproved by all, and are approved by no new law authorities — is believed to take on the force of law by having prevailed. If however some chapters of today's discipline — introduced after Pseudo-Isidore by new law — even from many centuries of custom, and not so much by the authority of Pontiffs as by that of councils especially general ones, were received and confirmed and prevail in practice; to this right — which is sufficient for derogating from the anterior discipline — what the Africans called new may not be properly called — lest the law — on account of abuses which proceed not from the right itself but from the vice of those abusing it — Should those who are fair judges of facts rightly hold that it ought to be branded as spurious and false for that reason?

18. Nor should ignorance of false decretals be the excuse, which occupied all things for a longer period. For beyond the fact that nearly everything attributed to Pseudo-Isidore has an origin — as we indicated — not in the matter of discipline has a new law — even if in some chapters introduced with some error or another — prevailed when received and confirmed by its own proper right from a legitimate power, and approved — not from ignorance, but by the authority of those approving — not from custom alone of legitimate Ecclesiastical law prescribing: so that nothing of it could acquire the force of law against divine and natural law, which is the approved and received law? When the Africans, resisting the appeal of Apiarius to the Apostolic See for vindicating the custom of their

Churches, adduced this reason: since no Paternal definition derogated this from the African Church; they presupposed manifestly that it was approved by their own Church's antiquity in a certain conciliar decree, and it was possible to be abrogated by new law — inducing new law as Febronius himself notes, ch. 1, §7, n. 10. If new discipline and new law is to be resisted for the purpose of avoiding abuse and scandals; initially (with due moderation) it will be lawful to resist: and this much the Africans only did, Is this practice, in itself, contrary to the introduction of appeals from the lower clergy to the Apostolic See? — vindicating to observe the ancient and standing custom of their Churches. See our Observationes in Dissertat. V. Quesnelli (t. 2, edit. S. Leonis col. 971, n. 30.). But if the novelty of discipline — induced at length by custom of some centuries, and confirmed not so much by the authority of Pontiffs as by that of councils especially general ones — received and confirmed, prevails in practice; to this right — sufficient for derogating from the anterior discipline — the name of new cannot properly be applied, so that on account of abuses — which proceed not from the right itself but from the vice of those abusing it — the same right should be branded as spurious and false, which whoever is an equitable estimator of things will rightly hold?

19. In a matter on which things from general principles of law are certain, a confirmation of no small weight will come from the example of the Bishop of Constantinople, who joined some centuries after the Constantinian one. Febronius, c. 8, §2. (t. 2, p. 56, col. 1.) thrusts the Greek or Oriental Church — in which when the apocryphal Pseudo-Isidorian decretals were not obtained, and even today he depicts as having lived more avoiding the ancient discipline than in the Latin — at us. But see what prevailed in the Constantino-politan Oriental Greek Church long before Pseudo-Isidore against the ancient discipline. The Bishop of this one before the middle of the fourth century was a simple suffrage of the Metropolitan of Heraclea, who enjoyed no right over any other Antistite. The Nicene canons had decreed that to the Patriarchal and other preeminent Sees their rights be preserved. When however the Imperial Seat was established at Constantinople, and hence this city had begun to be called 'New Rome' —

in the Council of CP I, in 381, this Bishop was decreed 'the primacy of honor after the Roman Bishop, because that very city is new Rome.' This was a prerogative of mere honor and order, not of law. But gradually with those from the whole East flowing to that city for various causes, it was easy there for the confluence of Bishops to gather synods, in which more difficult and graver questions were recognized and defined, and ordinations of Bishops too — with the assenting Metropolitans and with the emperor's approval — were performed from the same city's Prelates. So not only Nestorius, but also Saint John Chrysostom, Atticus, Sisinius, and Saint Proculus, Prelates of Constantinople, judged passim the cases and appeals of Bishops from various Oriental provinces referred to themselves, and are even said to have made some ordinations of Bishops; which since they could in no way be effective from the old canons themselves, began to be supported and defended from the mentioned Council of Constantinople decree — as if the primacy asserted to this See were not of mere honor, but inferred participation of the same prerogatives. This novelty of law thus opposing which was opposed by the firmly approved Nicene canons of the whole Church venerated by consecration, and it was prejudicial to other Metropolitans and Patriarchs — Saint Pope Leo strongly restored it. This law was gradually established with the consent of those whose interests were at stake, the practice of holy Bishops, and the approval of the Council of Chalcedon. After the Nicene canon and ancient laws—which no longer opposed the Roman Bishops—were finally settled, I judge that if the Patriarchs of Constantinople wished to retain these same rights upon returning to unity, no question would have been raised at the Council of Florence, nor would it be raised now. If Febronius did not dare to attack this law of the Constantinople Prelate—nor attack it in the name of 'restoring rights' through any claim of prescription, possession, or surrender—how could he oppose the law of the Roman Pontiff? The Pontiff’s law possesses a primacy over all Bishops and the exercise of episcopal powers by divine institution and certain law, supported by centuries of practice and the approval of general councils.

CHAPTER VI

Whether the Discipline of the Ancient Canons Is to Be Revoked, or Whether the Actual Power or Jurisdiction of the Bishops and Metropolitans Is to Be Restored to the Primitive State, Abolished by Law Now Prevailing for Many Centuries

1. Febronius saw that the new law, which has long prevailed, could not per se be absolutely condemned as false and spurious, nor that the Supreme Pontiffs in general could be accused of incompetent domination — as if by the Pseudo-Isidorian comments they arrogated much without legitimate cause which once belonged to the right of the Bishops and Metropolitans. And therefore confessing that some at least limitations of Episcopal or Metropolitan faculties justly induced in the beginning were praiseworthy; yet since the same just cause does not always hold, but what was initially useful later became pernicious from abuse — he contends that sometimes there must be a return to the old law; and if it is not lawful at once to remove all things simultaneously, then gradually, as far as can be done — action should proceed as Barthelii counseled (c. 9, §11, n. 3, t. 2, pag. 126, col. 1.). But if the new law is now proven and received by use as not false law, but true; why must it absolutely be removed and there be a return to the ancient canonical norm? If abuses — which absolutely are to be extirpated — which especially involve divine and natural law in the matters of discipline are never found implicit, as simony in ordinations, in dispensations, or benefices, violation of vows, etc. — must the Apostolic See therefore be denied the true right which it legitimately enjoys, even though from the right itself no abuses arise in any way, but from the vice of those abusing it — which must be referred not to the right but to the law? Can anyone restore the ancient right or the exercise of the right of the Bishops — restoring it above those now exempt from the Bishops, though also under these equal or greater abuses in the past occurred, as appears from those in monks of his times which Ratherius describes in the books of the Confessionis and the Praeloquiis? Who beware of returning the abuses to the Bishops and Metropolitans with the ancient exercise of faculties and right? When the

same abuses exist, who can aptly prove that the Pontifical right long in force and confirmed should yield and the Pontiffs should be stripped and exfoliated, so that the faculties equally or greater abuses sometimes are to be feared may be fully restored?

2. What moreover if the ancient canonical discipline cannot be recalled because from the restitution greater scandals and most serious schisms may be prudently feared? For the edification and good of the Church not only those things pertain which serve the utility or necessity of the same, but also those by which evil is prevented, and a grave scandal which from the use of whatever power — even by itself better or even of superior power — would be to be feared. To avoid evil is also relevant to the good of the Church; and to the good of the Church it is relevant, if something good is not sought — which cannot be obtained without greater harm. For caution against evil is good; and in what is referred to the good of the Church, if something good is not sought, which without greater harm cannot be obtained, this is relevant. This principle is approved by the holy men as well, and in practice we read most frequently received. For this cause Saint Augustine (Epist. 185, ad Bonif. Comitem, n. 45.) censured that the rigor of coercion should be relaxed, when greater schisms and scandals are feared. In causes of such kind, he says, where the danger of schism is not that of one or another person, but the destruction of populations lies, something of severity must be subtracted, so that sincere charity may remedy greater evils. The same Saint, together with other Africans, thought the Donatist Bishops and clerics returning to unity of the Church should be received in their grades, lest the rigor of discipline be opposed as a barrier to their conversion, and with the greatest danger not so much of themselves as of others, they be confirmed in schism. The same rationale and practically precept he expounded and most clearly set out in Ivo Carnotensis epist. 189.

We know, he said, because the modus of necessary dispensation has never pleased the wise, than which not only private laws — by which neither fidelity of faith, nor honesty of morals is consulted — but even general laws against heretics and criminals are promulgated: when for the healing of greater ills, or the removal of greater evils, the

moderation of sincere charity serves better than the rigor of indiscrete severity. And epist. 234 approving a dispensation, which however does not offend the faith nor good morals, established this general rule: Where dispensation is to be admitted, where rigor is dangerous. In the prologo to the collection of his Decreti, commending its execution and observance, from the books against the epistle of Parmenianus he recites testimonies of Augustine — declaring to those Christians worthy of anathema that there is no danger of schism: When each crime is known, and it is execrable to all, either there are none, or not such defenders as could constitute schism. And S. Irenaeus counseled Victor the Pontiff to abstain from excommunicating the Asians, who in celebrating Easter day dissented from the Roman custom; and S. Dionysius Alexandrinus was the author for Stephanus the Pope not to excommunicate the Africans and Asians, who thought those returning from heresy should be rebaptized, while this matter was in the greatest question. See what I discussed on this point in the book On the Force and Reason of the Primacy, ch. 13, n. 53, p. 166, and p. 172, not. *. In the general Councils themselves the same moderation was applied, when questions boiled over, and the danger of the more harsh dissensions from the definition or anathemas was feared. (*See ibid. pag. 172.*) It is not necessary to bring more things on this matter.

3. From this principle who does not understand how perversely Febronius contends that the ancient canonical discipline should be restored? On account of this restitution should the preeminent exemption privileges of the Chapters and Regulars be entirely abolished — which deprived the Bishops of no small portion of their dioceses — the Concordats be rescinded — by which some Ecclesiastical things once proper to the Bishops or Metropolitans were conceded to the Princes — and other customs which have prevailed from long rights of the Bishops or Metropolitans to the detriment of many centuries must be changed — which cannot be changed without great offense and without great risk of schism? These things if they cannot be done without great danger of schism, who considers the Febronian counsel to cede to the edification of the Church, and not rather to its destruction? Of the matter of discipline we are speaking, which by no divine or natural

law is prescribed, which for the variety of places and times can be changed; and when nothing by itself by divine and natural law is illicit, and nothing of Christian affairs is interested whether certain faculties are exercised from a delegate of the Pope or his privileges, or from the proper right of the Bishops, let it be exercised; who dare to condemn the Pontiffs, if they wish to pursue a right confirmed by so many centuries of custom — so much so that even at least in the name of certain things they do not wish them to be changed — lest not light dissensions and perturbations be excited for the harm of the public good? The sentiment of the best Pontiffs added to the roll of the saints — who were from all monarchical domination most alien — who studiously worked for the edification of the Church, and not Cardinales and Bishops of holiness of morals and zeal for discipline so highly commended, who were present to those Pontiffs — such as Saint Charles — from restoring to the Bishops and Metropolitans the ancient exercise of faculties on which sometimes no light discussion was had — sometimes abstained. Their authority, supported by the reasons already adduced, has greater weight for me, and should have for all equitable estimators of things, than whatever is brought in from the most fallacious principles of his system by Febronius.

4. But let it be the case that some Apostolic See laws have perhaps been received by concession or deference of the Bishops or Metropolitans at some time; does it not follow that what they legitimately generated by the consensus of the Bishops — whichever law it created — must therefore be revoked? Who does not know that from the consensus of the Eastern and Constantinopolitan Church returning to unity, those things were considered worthy of rescinding, which neither the Supreme Pontiffs, nor the Western Ecclesiastical Constantinople, thought fit to rescind? Should at least the same be thought of Episcopal and Metropolitan rights similarly reserved to the Apostolic See by cession and consensus — which the right of the primacy so presides over all Bishops and Metropolitans, so that if it could have reserved those rights in the edification of the Church, it could much more justly use those same rights, and refuse the cession of them when it is believed to lead to perturbations and scandals?

5. Nor let anyone say that the ancient canonical discipline — by which the Bishops and Metropolitans freely used their faculties — is better and more fitting to avert the dangers of abuses. For what is better per se does not always bind; nor in comparison with a greater evil, which in seeking or exacting it is to be feared, can a better and more opportune thing be believed. Here the words of Saint Paul are to be expended, which he wrote about incontinence, about marriage, and about celibacy. About celibacy, which is better than marriage, the Scripture says: Better, if he so remains. Marriage is not better than celibacy; yet lest incontinence — better than marriage — he declared: Better it is to marry than to burn (1 Cor. 7, 9). Incontinence and fornication, as forbidden by divine and natural law, he hands down as absolutely to be avoided in many places. The discipline of the ancient canons may be better, as one pleases: but if for its restitution the discipline later introduced — which per se is not evil — is to be abolished, and from here schisms and greater evils follow, it is to be abolished; it is better in these circumstances to retain the new discipline than to risk restoration of the ancient discipline with such great danger. What in the sole chapters which Febronius insists upon restoring the rights of the Bishops and Metropolitans to their pristine state, for many other ancient discipline chapters — which were indeed better — restoring nothing does he labor? His sole care about the Bishops and Metropolitans affects him, as if their power were instituted for their own benefit rather than for the benefit of the Church — and must altogether be restored even if the Supreme Pontiffs in the same restitution commit themselves with so great a danger of schisms and perturbations.

6. Indeed much more is to be said, if the media to be employed by Febronius for restoring the ancient discipline were such as would return the offense and contempt of the most certain Pontifical power — and would cede not to edification but to the destruction of the Church — to which it is necessary for this power to be kept safe. On those media in the following chapter.

CHAPTER VII

The Media Proposed by Febronius for the Restitution of Ancient Discipline, and How Much They Present an Offense to Pontifical Authority

1. When someone is unjustly burdened, he can try to withdraw from the burden if two conditions concur. First, if the burden is unjust; second, if lawful means are used. Febronius in the present matter perversely assumes unjust burdens — whatever the Roman Pontiffs used and exercised in the use of Episcopal faculties restrained or reserved contrary to the norm of the ancient canons, in which he judges the true and genuine law to be situated — and censures as unjust whatever is done contrary to those same norms, and so unjust that it can be vindicated by no name of possession, cession, or prescription. Since however the power of the Supreme Pontiffs in limiting or reserving the Episcopal faculties for just cause in the premised chapters has been legitimately proven — and conceded not only by Gerson and other Gallican adversaries but also to some extent by the same Febronius himself — who professes to impugn only the abuses of power, not the Pontifical power itself — and since the Roman Prelates by the Episcopal faculties concerning use and exercise can and could limit and reserve for just cause; unjust burdens cannot be said to those which they imposed on the Bishops or Metropolitans with just cause limiting or reserving them with equal and just cause — nor can an action compete for the Bishops or Metropolitans for those things unjustly limited or reserved with just cause for the Bishops or Metropolitans.

2. Presuming legitimately the limitation and restitution in the Supreme Pontiffs which we proved, the power, it is not permissible to deny it is lawful to procure restitution, insofar as the public good expedites it, and not love of pride or contentious spirit impatient of due subordination, but the zeal for discipline and impeding abuses may move it; but seeing what media — by which it should be employed — are lawful and moderate, which are congruent with inferiors acting with the superior, lest legitimately resisting the power they give offense to the power itself, and the resistance exceeding

exorbitant recedes into contempt of the power itself. For those who bear that guilt detested by the Apostle (Rom. 13, 2): Who resists the power resists the ordinance of God: and those resisting acquire damnation for themselves. The lawful media would be, rationes of their right and canons or decrees which support the same right — to propose; abuses — which have crept in or still remain — by which the restitution is useful or necessary, to demonstrate; patronages also (not however violent) — to interpose, and others of this kind, which uniquely intend the scope of the public good. Of media indeed of this kind — not however of those remembered by Febronius presently — the Africans used, in opposing the mentioned appeals of lower clergy to the Apostolic See being introduced in the beginning.

3. Nor let Febronius reply that he, who impugns only the abuses of power, not the Pontifical power itself — is offending those who resist in the restitution of ancient discipline for their possession — using unlawful means. But since the power of the Supreme Pontiffs in limiting and reserving with just cause the Episcopal faculties has been shown in the premised chapters as legitimate, and proven not only by Gerson and other Gallican adversaries but also conceded to some extent by the same Febronius; the unjust burdens — which cannot be vindicated by any name of possession, cession, or prescription — were not those which with just cause they imposed in limiting or reserving the Bishops or Metropolitans: and a lawful action does not compete to the Bishops or Metropolitans for those things unjustly limited or reserved with just cause.

The instruction of the people by which the limits of every power are explained in the Febronian system — how much the Roman Pontiffs must show to have usurped falsely with invading the right of the Bishops and Metropolitans in their faculties — who does not see how much contempt it exposes the Apostolic authority, especially if some things are set forth to the people with black colors and without just vindications and some things exorbitant from incautious writers or courtly flatterers are asserted?

5. The medium of a free general council — which could be most useful if the Bishops together with the Pontiff would apply themselves to the reformation of discipline — in

the Febronian system by which a superior authority of the ecumenical council over the Pontifical authority is claimed — does it not greatly detract from the legitimate Roman Pontiff right, which from the preceding work we have established, and does it not open the way to many dissensions and even schisms?

6. Much less useful would be national councils, which have no jurisdiction over the Pope; nor could they enact decrees by which against the Pontifical right and the long possession of the ancient right of the Episcopal faculties or the exercise thereof were restored, unless with the Pope assenting or confirming them. Who indeed would hope that from the system — which denies that the Apostolic confirmation or assent is necessary for general synodal decrees — this is done? What moreover that on this occasion Febronius established that obedience could be withdrawn in such national synods — which is unjust? Withdrawing obedience from the Supreme Pontiff — is this not removing the subordination due to the head? In the case of most pertinacious schism — in which two or several would govern as Pontiffs — the medium of withdrawing obedience could be believed lawful by those who believed none of the competitors to be the true and certain Pontiff. But to withdraw obedience from a true and certain Pontiff — who has ever taught this to be lawful? In the Council of Vienne in the year 1113, when on the matter of eliminating the privilege of investitures obtained by violent force — which had caused great scandal in the Church — Bishops threatened Paschal II that he would be repulsed from obedience, unless he confirmed the decrees by which they had declared those extorted privileges as invalid.In my judgment, these threats alone did not constitute a definite and absolute plan. However, Ivo of Chartres could not approve of any of this; and Natalis Alexander (Dissertation 4, 12th Century, Article 12), while praising Ivo, has no doubt that the Synodal Bishops sinned in this matter: in that they threatened the Roman Pontiff, asserting they would withdraw from their OBEDIENCE to him unless he confirmed the statutes—an act which is surely a most wicked example.

7. The most pernicious of all media is that — which Febronius suggests to those resisting the Pontifical authority in the restitution of ancient discipline — that the

censures are not to be feared, by which that authority would wish to protect its possession. On this he says some things to be noted even from another thesis proposed by him, c. 1, §4, concerning the means to free oneself from the fear of excommunications. His very words (t. 1, pag. 83): The ancient ratio of excommunicating was not of jurisdictional respect with regard to the excommunicated. As formerly admitting others even non-subjects to communion; so excommunication, which is opposed to communion, was nothing else but excluding someone from his communion: which could be done even in those who were not subjects, and over whom no jurisdiction is properly so-called — hence excommunication is not to be considered an act of jurisdiction, Febronius wrote. Thus he presumes that only the excommunicating from the acts of the Bishops properly so-called jurisdiction, when they repel a subject from their communion, not however when they pronounce sentence against aliens. Thus moreover Febronius from the false principle of his system denies to the Roman Pontiff subjects who are subject to other Bishops: which overturns the very nature of the primacy, by which the same Pontiff by divine right and jurisdiction properly so-called presides as supreme pastor over single individuals and all together both Bishops and the flocks of the Lord's flock. The right of excommunicating — founded on the power of binding — is the right of separating from communion and unity of the Church, so that the excommunicated as it were cut off from the body of the Church is to be held as a heathen and publican. Noting moreover this distinction between the excommunication of the Roman Pontiff and that of other Bishops: since he who has right over all and singular Catholics and plucks someone, he not only cuts off from the communion of him and the particular Roman Church, but also precedes and cuts from the communion and unity of the whole Catholic Church, which adheres to him as to its head and center of Catholic communion, and must adhere by right of the primacy; nor can it come about that someone cut off by him not also be cut off from the Church itself, which immovably adheres from the institution of Christ to the same center of communion. While other Bishops excommunicate someone, then only they cut off from the body of the Church, when they themselves are joined to the Roman Pontiff

adhering to the center of Catholic communion permanently — not, however, when separated from that head and center of Catholic communion — since those excommunicated from other Bishops in such a case are separate from the local body of the Church but not from the Catholic communion; the jurisdiction of which is competent to no one beyond those jurisdiction reaches. Hence the right of communion from unity with the Apostolic See flows — as Saint Ambrose with the Aquileian Synod taught: and excommunications from other Bishops are held invalid when those who have been excommunicated from even more major Sees remain participants of the Apostolic See in its communion, as we noted in the book On the Primacy, c. 11, n. 3. Thus also Jure S. Cyrillus feared being preceded from the communion of that See; and on the contrary jure S. Coelestinus said that the sentences of other Bishops should not be feared, if those excommunicated or deposed remain in the Apostolic See's communion. Confer what is said in the same work c. 13, n. 60, p. 181, and also not those things,...which I discussed in the Appendix of the same work, and explained why, in certain circumstances, some died without Apostolic communion through no fault of their own, having been prevented from it not by their own failing, but by outside factors.

8. From these things it is easily overturned what Febronius asserts concerning the censures of the Roman Pontiffs not to be feared, which those who insist upon the restitution of the ancient discipline, and wish to maintain their possession. He does not deny, indeed openly confesses (as will presently be seen) the necessity of unity and communion with the Apostolic See: but he perversely wishes to distinguish the Roman See presided over by the Supreme Pontiff — which distinction several pluribus constituted in the mentioned book On the Primacy, c. 14, §8, n. 23, and following, from pag. 246 to pag. 251, is held altogether vacuous and to be rejected. Much more inept is the distinction in the present matter between the Pope and the Roman Curia, so that excommunication not from the Curia but from the Roman Pontiff's authority may have force. Nor is it much incongruous with their excuse, who think themselves protected by this — that they were not separated from the Roman communion, but the Pope himself

separated them. I refuted this most empty excuse in the Appendix of the same book (no. 7, p. 338), where certainly Innocent I had no such thought. When he dealt with the Easterners who were most hostile to St. John Chrysostom—who had been previously excommunicated and were later seeking restored communion after giving adequate satisfaction—he granted their request for this reason: 'lest members who have sought healing be kept alienated from the unity of the body for too long.'

And yet, did he not judge as cut off from the body of the Church those who were indeed cut off, even if they had not separated themselves from the Pope, but the Pope had instead segregated himself from them? How necessary communion with the Catholic center and unity is—by the very right of the primacy itself, so that unity may be preserved and the occasion for schism removed—was demonstrated in the aforementioned work *On the Primacy* (c. 11, §1). Febronius himself could not deny it, given that what he wrote (c. 9, §7) was not meant to suggest that communion with the sitting Pope should not be sought with all zeal. However, he immediately restricts this with a condition: 'Communion must be maintained with him only so long as he follows the Spirit of the Holy See and the Church; otherwise, if he should separate himself from the doctrine and genuine discipline of the Church (established by ancient canons), then communion with the Catholic center is no longer necessary.' He acts as if the Pope's excommunications would then not be feared as being 'openly unjust,' and as if one could resist him to restore discipline without the danger of schism.

He cites the examples of the Asians, who were not schismatics though they resisted Pope Victor to preserve their own custom of celebrating Easter—as if Victor tolerated their excommunication or never revoked it; and similarly the examples of St. Cyprian and other Africans and Cappadocians, who resisted Pope Stephen on the question of rebaptism. — ...as if [Victor] had also cut them off from unity by an actual excommunication, are useless arguments—since they rest on false or at least uncertain hypotheses. It is indeed false regarding Stephen; I believe I have sufficiently proven in my book *On the Primacy* (c. 13, n. 53) that he by no means carried out the actual

excommunication against Cyprian, the Africans, and the Cappadocians that he had threatened. It is false or at least uncertain regarding Pope Victor, who, in the dispute over the date of Easter, either did not excommunicate the Asians due to the mediation of St. Irenaeus (as Valesius and others contend), or, if he did excommunicate them, he restored communion so quickly that by the time of St. Cyprian, the separation was hardly remembered.

The authority of the Council of Basel—whose members rushed into open schism and deserted the certain Pontiff, Eugene [IV]—helps Febronius not at all. Much less does it help him to use the reasoning of those at Basel (who deserved the mark of schism) to dissolve the council's decision to depose Eugene. Following the celebrated judgment of St. Augustine, there is no just necessity or reason for creating a schism; properly speaking, a schism is not caused by the Pope who segregates some from his communion, but by those who divide themselves from the Pope, the center of communion. More forceful is the reason Febronius brings forward—namely, that censures or excommunications are not to be feared when they are unjust, citing Augustine: *'If any of the faithful is unjustly anathematized, the one who does it perishes rather than the one who suffers the injustice.'* He considers a censure unjust if the Pope uses it to demand that Bishops (or Metropolitans) surrender their due prerogatives. But for this argument to hold weight, several things must be proven as absolutely certain—things which Febronius has not proven, nor could he, as the premises appear entirely false. The required proof would be:

I. That the Supreme Pontiffs have no right to limit or reserve certain Episcopal faculties. Although these belong to Bishops by divine law, their use and exercise are subordinate to the jurisdiction of the Pope and pertain to discipline, which Ecclesiastical authority may regulate.

II. That those same Pontiffs, when limiting or reserving those faculties, could have no just reason to deviate from those disciplines—even though ancient discipline allows for

changes based on place, time, and circumstance. The Supreme power of the Pontiffs is no less than the authority of ancient synods; therefore, they have the right to constitute things differently for just causes.

III. That regarding Episcopal faculties—which are a matter of mutable discipline—no weight is given to the consent or prescription of the Bishops, nor to the general councils which for many centuries have accepted this discipline.

IV. That the Pseudo-Isidorian Decretals (which are forgeries) were the sole or primary cause of introducing this new discipline. He must also prove that this discipline—which has prevailed for centuries and is confirmed by long custom and the approval of councils—does not constitute legitimate law that can be rightly defended.

V. That the abuses arising from this discipline stem from the law itself, and that no remedy can be found without restoring the ancient powers of Bishops and Metropolitans—as if those same ancient rules could not also lead to equal or even greater abuses.

VI. The Popes—who maintain this new law without just cause and unfairly—could restore the ancient discipline regarding Bishops and Metropolitans without incurring serious harm or guilt. This remains true even for those who choose not to do so, whether because they judge their own rights to be legally protected by so many arguments, or because they fear that such a restoration might give rise to various scandals that must be carefully avoided.

VII. All these and others of the same kind Febronius or anyone else cannot aptly prove; who can condemn those censures, by which the Pontiffs their possession and every right vindicating existing? Whoever censuras contemni scientia potest negligi atque contemni jure suo? No one can deny that anyone can offer remedies against abuses and urge precautions: but the remedy will not be a lawful one, which consists in negating or impugning the legitimate and certain power — in public harm involving the fatal

contempt of Apostolic authority. If in the conflict of powers concerning law — where the matter would be especially doubtful — the right of the superior should prevail over the right of the inferior — who in the use and exercise of the faculties of the superior power must by natural and divine law be subject; how much more must this be said, where it is a matter of the right of the Supreme Pontiff — whose power in enacting censures and in limiting the Episcopal faculties is certain, and whose censures' justice for vindicating the same and for the possession by diuturna can no way be called into doubt — since from the pertinacious resistance and contempt the whole of his power in conserving the unity and the good of the whole Church is most necessary?

VIII. Nor let anyone here be deceived by that Febronian proposition — proposed, ch. 9, §7, n. 8, (t. 2, pag. 195) — on the question of schism in the case of excommunication — whether in the case of the Pope excommunicating there would be schism on the side of the Pope excommunicating, or on the side of the Bishops who resist the Pope; He denies that schism can be attributed to Bishops who 'think seriously about restoring sound discipline and morals in conformity with Christ's institution, and who propose and put into practice suitable remedies for this end.' However, everything rests on false hypotheses. How can this be when the dispute concerns discipline—and morals pertaining to discipline—which Christ did not personally institute but left to the Church's disposal? Neither ancient nor modern discipline can be strictly attributed to the institution of Christ; therefore, it can vary and change according to circumstances without harming Christ's original institution. If I were defending a monarchical, despotic, and arbitrary government that destroyed the proper and ordinary rights of Bishops, that would indeed conflict with the divine institution by which the Holy Spirit placed Bishops to govern the Church of God. But we are not defending such a government. Rather, we have been defending only the subordination of Bishops to the Supreme Hierarch regarding the designation of dioceses and the use and exercise of episcopal powers, and the supreme authority of that same Hierarch—which is to be restrained with due moderation within the limits of natural and divine law.

Can those who endeavor to overturn this subordination and power rightly be said to 'think seriously about restoring sound discipline'? Can the methods proposed by Febronius in this chapter be called 'suitable' for this end? We have already shown how inept and injurious to Apostolic authority these methods are; there is no need to linger on them further. Anyone can sufficiently judge his other proposals based on the preceding notes.

CHAPTER VIII

Observations on Certain Other Places of Febronius Which, Though Passed over as Not Necessary for Refuting His System in the Preceding Chapters, Can Yet Cause Some Difficulty

Section I

On the Text of Acts 8, Verse 14: Febronius, Following Gerson, Infers That Peter Was Sent as Subordinate to the Apostles (i.e., to the Church) to Samaria with John

The famous words of St. Cyprian to the Fathers of the Third Council of Carthage, which Febronius comments on, are well known. Quoting Acts 8:14—*'When the Apostles at Jerusalem heard that Samaria had received the word of God, they sent Peter and John to them'*—Febronius applies the explanation of Gerson: *'They sent Peter and John to Samaria as subordinates of the Church—that is, subordinates of the Apostles who sent them.'* If the one who is sent is truly the subordinate of the one who sends, then the Son of God, who was sent into the world by the Father, would have to be called subordinate to the Father—an idea Catholic teaching finds abhorrent. Adversaries who question the Pope's jurisdiction abuse the word *'sent'* (which in itself is a neutral term) to claim that Peter, the Prince of the Apostles by right of primacy, was actually subordinate to the Apostles and the Church. This was surely far from the spirit of the Apostles. Imbued with Christ's teaching and example, and not arguing over who among them was greater or lesser, they learned through humility that the 'greater' person should take on the 'lesser' tasks usually suited to subordinates.

When the Apostles sent Saints Peter and John to Samaria, they weren't looking at who was higher or lower in rank. Instead, rejoicing that Samaria had received the Word of God, they decided that some among them needed to provide the necessary Apostolic care and concern to finish the work. Peter, though he was the 'greater,' most willingly took up that task alongside John. I wish our opponents would think more logically. They claim the Apostles were all equal in power (except for the Primacy), yet they then rely on a judgment familiar only to themselves—one based on the false principle that the gathering of the Apostles was like a 'General Council' with authority over the Pope. Such an idea was completely foreign to the minds of the Apostles when they sent Saints Peter and John.

Section II

On That Place of Febronius c. 2, §3, Which Contends the Church Can Transfer the Primacy from the Roman to Another Bishop

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Although the primacy of Peter and his successors was likely bound to the Roman See from the start—since Peter was almost certainly the one to finally establish his see there and die—it is certain that this primacy was granted to Peter and his successors by Christ Himself. While Peter was in Jerusalem, Antioch, or elsewhere before settling in Rome, the primacy belonged to him personally. However, once he established his seat in Rome and died there, the primacy was deposited in that see. Whoever legitimately occupied it after his death succeeded him—not as an heir to a physical building or chair, but as an heir to the same dignity and authority.

Therefore, as Bellarmine rightly wrote (and Febronius himself praises): *'Succession itself exists by the institution of Christ and divine law, because Christ Himself established in Peter a Pontificate that would last until the end of the world; and thus, whoever succeeds Peter receives the Pontificate from Christ.'* To transfer this primacy to another Bishop

who is not a successor of Peter would be contrary to Christ's institution. Febronius, however, attributes this authority to the 'goodwill' of the Church. He holds the principle that the 'power of the keys' and all Church jurisdiction were given directly to the Church as a whole. In his view, the jurisdiction of both Bishops and Popes depends on the pleasure of the Church and is bound by the canons of general councils. The idea that the 'keys' were given to the whole body of the Church—including laypeople and women—is completely false and has been condemned by the Church, as Febronius cannot deny.

If, however, by 'the Church' we mean Peter and the Apostles—to whom Christ truly gave the keys—then it is absolutely certain that this same jurisdiction passed to the Roman Pontiffs and the Bishops as their successors. But while the Apostles were equal in their apostolic faculties, they were not equal to Peter in the specific jurisdictional power of the primacy (an exception Febronius himself admits). Similarly, while Bishops are successors, they cannot be called equal in jurisdiction to the Roman Pontiff, who possesses a unique right of primacy that can be shared with no one else. This right, intended by Christ to preserve unity, requires a specific jurisdiction and essential rights of primacy without which unity cannot be maintained. As I clearly stated in my book *On the Power and Nature of the Primacy*, the Pope has a 'coercive right' over both individuals and the entire body of the faithful to guard the unity of faith. Since subordination to the Pope is necessary to prevent dissensions that tear the Church apart, it should be clear that the designation of dioceses and the moderation of episcopal powers must legally fall under Apostolic authority—provided these are used for the building up of the Church and the common good, as required by divine and natural law.

Section III

Animadversion on the Words of the Allocution of S. Cyprianus to the Fathers of the Third Council of Carthage, and on the Commentary Subjected to Those Same Words by Febronius, Cap. 2, §1, No. 1, Tom. I, Pag. 71

The famous words of St. Cyprian to the Fathers of the Third Council of Carthage, which Febronius subjects to the same commentary, are well known. Regarding the question of baptism—specifically whether baptism conferred outside the Church was invalid—Cyprian said:

'It remains for us each to voice our own opinion on this matter, judging no one, nor removing anyone from the right of communion if they think differently. For none of us sets himself up as a Bishop of Bishops, nor drives his colleagues into a necessity of obedience by tyrannical terror; since every Bishop, by the license of his liberty and power, has his own will, and can no more be judged by another than he himself can judge another. Let us all await the judgment of our Lord Jesus Christ, who alone has the power both to set us in the government of His Church and to judge our actions.'

It is believed that with these words, he intended to indirectly sting Pope St. Stephen, who had threatened the Africans with excommunication unless they abandoned their opinion on the invalidity of heretical baptism (an opinion which was, in fact, false). However, these words were not directed at Stephen, but at the African Bishops of that council, none of whom was superior to another by Christ's institution; none could believe himself to be a 'Bishop of Bishops' with legal rights over the others. Since St. Cyprian acknowledged the Primacy of the Roman Pontiff—or as Febronius calls it, the 'leadership' over the universal Church—and acknowledged that this leadership came from the institution of

Christ (as Febronius admits can be proven from the Martyr's other writings), this passage cannot be applied to Pope Stephen in the same way it applies to the African Bishops. Indeed, Cyprian believed the Roman Pontiff possessed such jurisdiction over Bishops due to his divine Primacy that, in the case of Marcian of Arles, he wrote to the Pope asking him to use his authority to suppress and order Marcian's deposition.

Therefore, what Cyprian affirmed regarding Bishops who are equal to one another must not be interpreted as applying to the Supreme Pontiff. While the first part of his statement is true for Bishops of equal power—that none can be judged by an equal—the second part (where he says judgment is reserved to God alone) is certainly not true of Bishops in general, whom Cyprian acknowledged were subject to the Pope's judgment (as the case of Marcian reveals). Rather, that statement is only truly accurate when applied to the Roman Pontiff alone, who, because of his divinely instituted Primacy, is subject to no other Ecclesiastical power, as I have proven in its proper place. To understand Cyprian's words more clearly, it helps to examine his mindset and intentions more deeply. Since he knew how great the authority of the Pontifical See was among everyone, and that it opposed his own opinion, he saw that it would be very useful for his defense to counter Stephen with the consensus of all the Bishops in his own large synod. This consensus could more effectively temper, and perhaps even restrain, the Pope's forceful threats. To ensure this consensus wouldn't be viewed with suspicion, he wanted it to be clear to all that their votes were not extorted by favor or fear, but were entirely free. Thus, at the start, he made it certain that he would remove no one from his communion, even if the assembled Bishops pronounced a view contrary to his own. Does this obvious explanation of the passage not show that Cyprian was merely intent on his own defense, rather than seeking to attack Apostolic authority?

Enough on Cyprian's words; now something must be added regarding Febronius's commentary. He claims these words prove that although St. Cyprian recognized the Primacy of the Roman Pontiff, he excluded from it any power of command (*imperium*) or

external coercion. Febronius suggests that this Holy Martyr acknowledged a leadership of the Pope over the universal Church similar to the leadership Cyprian himself held in Africa—one that did not weaken the equality and liberty of the African Bishops, but merely gave him the right to call councils, preside over them, and fraternally admonish fellow bishops. Febronius claims these same rights belong to the Pope over the whole Church, with the distinction that the Pope's universal primacy is by the institution of Christ, whereas Cyprian's was by human arrangement.

Here, Febronius describes a primacy from the institution of Christ. But I ask: is this a primacy of mere order and honor, which even heretics and schismatics wouldn't hesitate to grant the Pope? Or is it a primacy of true and specific jurisdiction, which all Catholic opponents of Febronius claim for the Pope alongside the Catholic Church? If Febronius dislikes the word 'jurisdiction' and prefers 'authority,' we might agree on the reality of the thing even if we argue over the word. However, since he denies the Popes true *imperium* (which is natural to all true jurisdiction), he seems to be denying the primacy of true jurisdiction itself. He might say the name 'jurisdiction' displeases him because it implies a lordship over subjects that is foreign to the spirit of Church governance. He compares this 'authority' to that of a father over sons or a master over servants—who do not possess 'jurisdiction' in the strict sense.

Yet, I judge that these propositions must have slipped out incautiously from a man who I believe is actually quite close to the Catholic view on the primacy. For I cannot believe he truly wants to strip the Church’s power—the power to bind and loose, to make laws, to command, and to judge—of those rights which are proper to jurisdiction and command. If he does not deny these to the Roman Primacy, I do not see how he can deny the Pope a true *imperium* and even the force of external coercion through Church penalties and censures. If the universal Church is subject to the Primacy, are not all within the Church subject to that spiritual government? The text he quotes from St. Bernard (Book V, *De Consideratione*) excludes a 'secular' or 'arbitrary' type of command, but not a command used for the good of unity and the building up of the Church. If the Popes use such power

even over the Bishops of the major Sees, who can represent this as something 'extraordinary' or an abuse of the Primacy?

Section IV

Whether the Tridentine General Council Exercised Superiority over the Pontiff. In Cap. 6 of Febronius §1, No. 5, T. 1, Pag. 181

His claim here—that the Council of Trent actually exercised authority over the Pope in various instances—is completely false. Once you detect the origin of the fallacies Febronius used, the whole situation is easy to understand. A general council is not merely a gathering of Bishops. The Pope, as the head of that council, must preside either in person or through his representatives. For decrees on faith or discipline to have the force of a general synod, they require his assent or confirmation (see *On Ecclesiastical Power*, Ch. 2 on faith and Ch. 4 on discipline). Therefore, when we speak of 'ecumenical decrees,' we aren't talking about rules made by Bishops alone, but about rules enacted by the Pope and the Bishops together. The Pope's judgment so outweighs that of individual Bishops that anything they decide without him lacks the authority of a general synod.

The fact that the Pope consents to these decrees doesn't help his opponents' argument. Since no one has authority over a person who is consenting to his own will, one cannot infer that a council has jurisdictional power *over* the Pope simply because he agrees to its decrees. This single principle dismantles all of Febronius's objections: any decree issued in the name of a general council is understood to be backed by the authority and assent of the Pope. The strength of a general council lies in this ultimate unity. If a Pope goes along with the majority to avoid schisms or scandals, this shouldn't be seen as him submitting to the Council Fathers' authority. Rather, he is following the higher divine and natural law that requires even a Supreme Pontiff to prevent division. Even if he accommodates the majority for this reason, their agreement alone is not what gives the decree its power. So, when decrees are issued in the name of an 'ecumenical council' rather than the Pope alone, it doesn't support the opposition. The term 'ecumenical council' implies the consensus of the body of Bishops *with* their head. When the Council of Trent abolished certain papal mandates or limited the privileges of Cathedral Chapters, it did so with the Pope's consent. Does this prove the council exercised superior jurisdiction over his

powers? Not at all. Febronius is simply misusing the word 'Church' as it appears in the Council's texts, pretending that references to the Church prove a right to coerce the Pope or override his faculties.

Section V

On Distinguishing the Power of Jurisdiction from the Power of Order

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The distinction that theologians solemnly make between the power of order and that of jurisdiction is criticized by Febronius (chapter 7, §1, n. 9, vol. 2, p. 5). He says that it is permissible to distinguish a twofold power in the episcopal office—namely, that of order and that of jurisdiction—but that it is unlawful to divide them. He argues that such a division is contrary to the nature of the episcopate, and that separating episcopal jurisdiction from order is a tearing apart of episcopal dignity, a departure from the institution of Christ, and, as it were, a sacrilegious rending. But if these claims are to be taken strictly, then no one could resign the episcopate without sacrilege. For when jurisdiction is relinquished (to whomever it is ceded), it is separated from the order, which is never lost. Thus, many very holy men—praised by Febronius himself (chapter 4, §7, n. 2, vol. 1, p. 121)—who resigned the episcopate for just cause would have to be condemned. Nor could those be excused from serious censure by the Council of Nicaea and the African Fathers, who, during a schism, allowed bishops returning to Catholic unity—who had exercised episcopal jurisdiction—to be received in the simple rank of presbyters, thereby separating episcopal jurisdiction from order. Christ indeed conferred both order and jurisdiction upon the Apostles, and their successors, the bishops, since they are consecrated with the assignment of a definite jurisdiction and dioceses, receive both powers together—of order and of jurisdiction. But it cannot be asserted that this connection of the two powers is so necessarily of divine origin that it would be sinful to separate one from the other. If Febronius insisted so strongly on this point in order to argue more easily that episcopal faculties pertaining to jurisdiction could not be limited or restricted by the Supreme Pontiffs, he was relying on a false principle. For just as, for a just cause, the whole of episcopal jurisdiction can be separated from the order of the episcopate (for example, by resignation), so also, for just causes, it can be partially limited and restricted by that authority which is superior to bishops. And if provincial

councils were able to limit it in this way, why could not the Supreme Pontiffs—who, by right of primacy, are superior to those same provincial councils?

Section VI

On the Text of Febronius, Cap. 8, §3, Where Certain Acts of Some Ancient and Holy Pontiffs Are Attributed to the Counsel of Augmenting Power

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Since Febronius complains about Pseudo-Isidore and claims that from his forged decretals the monarchical power of the Roman pontiffs was constructed and excessively increased, then how is it that the earlier popes—who were ignorant of these writings—commend the same discipline and moderation? In chapter 8, §3, taking occasion from the weakness of human nature—"whereby incentives are often added to higher authority to exalt itself more when lower ranks are pressed down"—he thought that the beginnings of such increases should be traced back: to the second century in Victor, to the third in Stephen, to the fifth in Innocent I and Boniface I (or rather in Zosimus, Celestine, Leo the Great, and Gelasius), and to the sixth century in Gregory the Great. But from the very names of these pontiffs—whom the Church venerates as saints, and some even as martyrs, and whose deeds show them to be utterly removed from all pomp and domination—who, I ask, does not immediately perceive the irrelevance and rashness of this Febronian claim? Who would think that from those actions one could detect an improper enlargement of papal power or some usurpation? One cannot assert that their authority was illegitimate in the matters they carried out (see *On Ecclesiastical Power*, c. 5, §5), unless one were to deny altogether their supreme authority over bishops, which we have shown must be attributed to them by right of primacy. Nor can abuse of power be imputed to them unless it is denied that there was a just cause for acting—without which even a rightful power ought not to be exercised. When St. Victor

wished to compel Polycrates, bishop of Ephesus, to conform in the celebration of Easter to the day observed not only by the Roman Church with all the Western Churches, but also by most of the Churches of the East—was not this nearly universal agreement in celebrating so great a solemnity a sufficient and just reason? Indeed, the Council of Nicaea later approved this as so just that it decreed the same day should be observed throughout the whole Church.

Even if Victor's conduct on that occasion cannot be entirely defended, this at least is certain: in a matter not of faith but of discipline—supported by ancient authority and the agreement of the most important Churches—it was not expedient for all the Churches to break peace and unity. This had almost happened shortly before under Anicetus with the bishop of Smyrna, as is clear from the letter of St. Irenaeus recorded by Eusebius (Book 5, chapter 24). But these considerations concern not the possession of power, but the use of power according to what is expedient. In such matters, different judgments can be made without fault; therefore Victor is not to be absolutely condemned if he followed what seemed to him a just and highly probable course. Even more just was the case of Stephen I, when he intended to threaten excommunication against the Africans and Asians in order to deter them from the practice of rebaptizing those who had been baptized outside the Church. This practice was being introduced as contrary to Catholic doctrine (though not yet formally defined), and was surrounded by great controversy, despite being supported by the authority of many local synods and important Churches. Since St. Dionysius of Alexandria, for the sake of peace, intervened with Stephen so that he would not carry out the excommunication, he did not restrain Stephen's power, but only the use of that power—because he judged it inexpedient. On this matter, see also *On the Force of Primacy*, chapter 13, no. 53, p. 167. In the same way, many other holy bishops have acted, who did not think communion should be broken even when there was a very just cause, if a greater scandal was feared. If St. Innocent I, writing to Decentius, sought to bring the Churches of the West back to unity in discipline and rites in order to prevent disagreements and scandals, who would think this should be imputed to him, as

Febronius does (c. 5, §2, n. 2), as an attempt to expand apostolic authority? Does not the unification of discipline contribute to strengthening the unity of communion and even of faith itself? Does not the very goal of safeguarding both these unities clearly show that Innocent's effort should not be interpreted as a display or enlargement of apostolic authority?

Even if the African bishops, in their letters to Boniface and Celestine, expressed opposition to the appeals of Apiarius—a member of the lower clergy—to the Apostolic See, nothing in those letters can be found that would call the Apostolic right into doubt. Rather, everything in them is directed toward restraining the dishonest intrigues and frauds that were uncovered in that same case of Apiarius—as I have shown at length in my *Observations on Quesnel's Fifth Dissertation* (part 1, chapter 6, no. 30, p. 971 and following, in volume 2 of the Venetian edition of the works of St. Leo). Indeed, in that same place you will find how much the Africans actually deferred in practice to Roman authority in that very case. From such actions, the rights of the pontiffs cannot be diminished; nor can any incompetence or ambition be imputed to them, even if something less than perfectly correct may have arisen due to the fraud or deception of others. What Febronius wishes to criticize in Boniface I—or rather in Zosimus (c. 5, §6, n. 5)—I do not know; for the passages he cites there do not pertain to those pontiffs. If he is in fact referring to the case of Coelestius, who, having gone to Rome, deceitfully misled Pope Zosimus and obtained letters from him—letters which were later revoked and corrected once the fraud was discovered—I do not see why this should be taken as evidence of the display or expansion of papal authority. Rather, only this conclusion follows: that the Supreme Pontiffs, in judicial matters concerning persons, can be deceived and may write something incorrectly due to an error of fact—which, once better informed, they correct. The criticism directed against St. Leo the Great, which Febronius raises (c. 5, §4, n. 3) on account of the Roman judgment issued against St. Hilary of Arles, I have refuted at length in my *Observations on Quesnel's Fifth Dissertation*—to which Febronius himself refers the reader. Those *Observations*, published in Venice in 1756 (vol. 2 of the works of

St. Leo), not only explain the specific case of Hilary, but also very clearly defend the Apostolic right in cases of episcopal appeals. Had Febronius read them, I do not know whether he would have dared so confidently to take issue with that holy pontiff. Another criticism (c. 5, §4, n. 3) touches the same holy pontiff, as though he had been excessively eager to promote his own authority by granting an unsolicited confirmation of the Council of Chalcedon. St. Leo himself answers this quite plainly: he declares that he granted that confirmation at the request of Emperor Marcian (Epistle 110 [=114]), and for no other purpose than to counter those who had spread doubt as to whether he approved the doctrinal definition issued by the council—since he had strongly resisted certain disciplinary canons that introduced innovations. This concern of Leo shows his zeal in safeguarding and defending the faith, not any effort to expand his authority. But why should we dwell any longer on these minor criticisms of Febronius? That bold attempt is especially striking in which even St. Gregory the Great is counted among those who allegedly expanded papal authority—he whose well-known humility, praised even by Febronius himself, clearly shows how far he was from any desire for domination or for increasing his own power.

Section VII

On Certain Places of Febronius Where He Attacks Pontifical Authority in Provincial Synods and in Major Causes

It cannot be denied that in former times, and for many centuries, most matters in the Churches were conducted by the authority of bishops and of particular councils; and that the authority of the Roman pontiffs—although in itself supreme and full over the whole Church—was not everywhere or by all habitually invoked. Certain practices were introduced later and carried out by them which had not previously been in use. But since a distinction must be made between power and the use of power (for one may possess a power and yet refrain from using it for a long time), the opponents of pontifical authority are entirely mistaken in denying that power in many respects simply because it was not exercised in earlier centuries. I have already shown above that the Supreme Pontiffs, by right of primacy, possessed a supreme and full power by which they could regulate and restrict the faculties of bishops, even though they did not exercise it in earlier times. By the same reasoning, they were equally able to regulate and, under certain conditions, restrain the powers of bishops assembled in particular synods, whose authority it is most certain they surpass no less than that of individual bishops, as established in the prolegomena of *On Ecclesiastical Power*, even if in earlier times nothing of this kind is recorded as having been done by them. The multitude and distance of provinces and regions, changes of times, the more careful preservation of discipline, and other circumstances were reasons why it was not previously thought useful or necessary to exercise such power. Yet this does not prevent that, as new causes and circumstances arose, whenever it was advantageous for the common good, the pontiffs could make determinations even concerning particular councils and exercise a power which they had not exercised in earlier centuries. Febronius raises the question of a statement found in certain apocryphal decretals of Pseudo-Isidore, according to which even provincial councils cannot be held without the assent or authority of the Supreme Pontiff. Two objections may be brought against this: the restriction of the power of provincial councils,

and its novelty, being unknown to earlier centuries. Even if such a restriction had been introduced in the time of Pseudo-Isidore and were supported by no ancient example, would not its fairness be sufficiently justified by the reason for which Pseudo-Isidore deemed it necessary to restrict that general and unlimited authority of councils—namely, lest they too easily oppress bishops, as I explained in chapter 5, §1? Enough on its fairness. As to its alleged novelty, more and clearer evidence can be produced. For I find a very ancient testimony to the same effect in Socrates (book 2, chapter 8), in the version of Epiphanius Scholasticus in the *Tripartite History* (book 4, chapter 9): "An ecclesiastical rule commands that a council should not be held without the judgment of the Roman pontiff." Although the Greek text of Socrates does not explicitly use the word "council," it contains the same meaning, which pertains to councils: since the ecclesiastical rule forbids anything to be decided in the Church without the consent of the Roman pontiff—therefore also in councils. This rule is introduced in connection with the Synod of Antioch.

Although this passage of Socrates has given rise to much debate, it nonetheless remains certain that this rule is very ancient, far older than Pseudo-Isidore, widely known even among the Greeks, and accepted by Socrates, who wrote before the Council of Chalcedon. The same principle is repeated, though in different words, by Socrates (book 2, chapter 17) and is also found in Sozomen (book 3, chapter 10). From both it is clear that this rule was derived from the letter of Pope Julius I to the Easterners concerning the Council of Antioch, in which, complaining about the Eastern synods of the Eusebians—by which St. Athanasius had been deposed without consulting the Roman pontiff—he says: "Do you not know that this is the custom, that we should be written to first, and then what is just should be decided from here?"

What Julius affirmed about Eastern synods in a case concerning the bishop of Alexandria, Socrates and Sozomen understood more generally of all particular synods. This right, which Julius claimed for the Apostolic See on the basis of custom, is likewise supported by the actions of the earlier bishop of Alexandria, Dionysius, who, as noted by Fr.

Constantius, when accused of heresy and reported to Pope Dionysius, did not delay to clear himself before him. What Constantius adds—that this special right of the Apostolic See could be referred to the origin of the Alexandrian Church, founded by St. Mark, a disciple of St. Peter—is not entirely satisfactory. For the same right, by reason of origin, applies not only to Alexandria, but also to Antioch, likewise founded by St. Peter, and to all the Churches of the West, which derive their origin from the Apostolic See, as Innocent I testifies (letter to Decentius, chapter 1). The true and general reason for this prerogative must instead be derived from the primacy of divine institution, by which the Roman pontiffs, as successors of St. Peter, possess jurisdiction over all sees—patriarchal, metropolitan, and episcopal. The reasoning which Julius had set forth for the right of his see in the case of Athanasius and others is expressed in these words: "It was necessary that all should write to us, so that what is just might be decided by all. For it was bishops who suffered, and not ordinary churches, but those which the Apostles themselves governed." Here you see that he claims this right in cases of bishops—and even more so in cases concerning bishops of eminent Churches, and most of all in those of apostolic sees, such as that of St. Athanasius of Alexandria.

This pontifical authority cannot be explained merely from a patriarchal right of the Roman bishop over the Western Churches, but from the divine right of primacy, confirmed by custom. Patriarchal jurisdiction cannot override this; yet Febronius wrongly attributes many acts of jurisdiction in both Western and Eastern Churches to patriarchal authority, as though nothing could thereby be inferred about primacy, or as though patriarchal authority excluded the jurisdiction of primacy. In the Roman pontiff, however, both rights are properly united: acts that do not belong to him by patriarchal right outside the Western sphere belong to him by right of primacy, which extends over the whole Church. When Sozomen explains Julius's reasoning by saying that it is a "pontifical law" (or better, as Nicephorus has it, an "ecclesiastical law") that what is done without the judgment of the Roman bishop should be considered invalid, he clearly anticipates the later statements found in some decretals of Pseudo-Isidore, which say that conciliar acts

require Apostolic approval in such a way that nothing is valid without the authority of the Apostolic See. However, since Julius speaks specifically of cases of bishops—especially those of important Churches—Sozomen's statement must be understood in that sense, not as applying to every kind of judgment or matter in provincial councils. What Febronius objects as something new—that no synods or their decrees can be valid without Apostolic authority—pertains chiefly to judgments concerning bishops and to major causes. This supposed novelty is dispelled by the fact that major cases—especially those involving bishops in the West—were even in ancient times brought to the Apostolic See, not only on appeal, but sometimes also for initial judgment, as I have discussed in my *Observations on Quesnel's Fifth Dissertation* (vol. 2 of the edition of St. Leo). Moreover, the greatest Churches of the East, in important matters requiring greater deliberation, always consulted the Roman See and, whenever needed, sought its assistance, as Boniface I testifies (Ep. 15). Nor should we ignore the prerogatives of other notable Eastern sees. For example, did not Innocent I assign to the bishop of Antioch—whose see was founded by St. Peter—a certain authority throughout the East, saying: "As you ordain metropolitans with singular authority, so also permit that other bishops be appointed not without your knowledge and consent"? He adds the reason shortly after: "For from you the greatest matters are expected; therefore they should especially receive your judgment." What shall I say of the bishop of Constantinople after it became the seat of the empire? Socrates (book 3, chapter 28) mentions a law under Bishop Atticus establishing that no bishop should be ordained without the judgment of the bishop of Constantinople. There is also a law of Theodosius (Codex Theodosianus, book 16, title 1, law 45) directing that, if any doubt should arise in the provinces of Illyricum, it should be referred to a synod and sacred judgment not without the knowledge of the bishop of Constantinople, "which enjoys the prerogative of Old Rome." This reservation was based on the fact that Constantinople, as the imperial capital, began to be called "New Rome." In the Council of Constantinople (381), its bishop was granted a primacy of honor after the bishop of Rome, because it was the New Rome. This was a prerogative of honor and rank, not of jurisdiction. Yet gradually, as bishops from all over the East gathered there, it

became easy to hold synods in that city, in which more difficult and serious questions were decided; and even episcopal ordinations came to be carried out there with the consent of metropolitans and emperors. Thus bishops of Constantinople—such as Nestorius, St. John Chrysostom, Atticus, Sisinnius, and St. Proclus—frequently judged cases and appeals of bishops from various Eastern provinces and even performed some episcopal ordinations. Since such actions could not be justified by ancient canonical law, they began to be defended on the basis of the decree of the Council of Constantinople, as though the primacy granted to New Rome implied not merely honor, but participation in the same prerogatives as Old Rome, as appears from the Council of Chalcedon (act 16) and its report to St. Leo.

Thus, even at that time, a certain special jurisdiction was exercised by the Roman pontiff over bishops—especially in the West—in matters of appeals and ordinations. This must have been well known throughout the East, since the bishops of Constantinople thought they could claim a similar authority over Eastern bishops on the basis of their city's status as New Rome. St. Leo strongly resisted this innovation, since it conflicted with the ancient canons of Nicaea and prejudiced other metropolitans and patriarchs. Yet this new practice, supported by usage, by the consent of those concerned, and even by the approval of the Council of Chalcedon, gradually prevailed and eventually superseded the older Nicene order, once the Roman bishops ceased to oppose it. If Febronius would not dare to challenge or deny the legitimacy of this authority claimed by the bishops of Constantinople—nor deny the force of long usage, possession, or prescription—how can he oppose these same arguments against the authority of the Roman pontiffs? For the Roman pontiffs, by the prerogative of primacy, possess a power of divine institution and most certain right over bishops and over the exercise of episcopal faculties, and this right is supported by the long-standing custom of many centuries and even by the approval of general councils.

Section VIII

Whether the Pontifical Authority Is Opposed to the Utility or Necessity of General Councils

This question concerning the usefulness and necessity of general councils—on which Febronius brings forward certain points—should not be passed over, lest some considerations that commend their usefulness or necessity be thought to detract from Apostolic authority. The matter must be considered both with respect to questions of faith and to disciplinary canons. In questions of faith, it is not absolutely necessary to have the authority of general councils in order to decide them, as Augustine testifies (*Against the Epistle of the Pelagians*, book 4, no. 34), and he proves this most clearly from ancient examples, noting that most heresies were suppressed without a general council. The faith of the Roman See has been defined by the Supreme Pontiffs, with which all must remain in unity; this alone ought to suffice to settle a controversy, so that it would not be necessary to convene a general council for that purpose—as St. Flavian wrote in the case of Eutyches. However, when those who dissent resist more stubbornly even the infallible authority, and greater disturbances arise in the Church, such councils may be considered useful or even necessary—so that disputes may be more easily resolved, the obstinacy of those in error may be made evident to all, and those who are less informed or less cautious may be more effectively instructed. This renewed examination, which has sometimes taken place in general councils after Apostolic definitions, does not in any way diminish the authority or infallibility of those definitions. For it was not undertaken as though it were permissible to doubt them prior to the judgment and approval of an ecumenical council, but rather to instruct those who doubted, to expose the obstinacy of the erring, and to guide those less secure in understanding.

Thus, just as the infallibility of the Pope in matters of faith does not oppose the authority of general councils, so neither does the infallibility of councils contradict that of the Pope. Two infallible authorities cannot conflict or oppose one another; rather, each supports and strengthens the other. From their harmonious agreement arises the greatest firmness and certainty—something even their opponents acknowledge when speaking of the unity of members with the head. Nor can either be called superfluous; both are in some way necessary. For if the infallibility of the Pope were denied, it would be necessary always to convoke a general council to definitively settle disputes of faith. On the other hand, without the authority of the Pope, general councils would lack the means by which dissenters could be more easily and certainly instructed, and the obstinacy of those in error could be effectively exposed and restrained. In matters of discipline as well—where universal unity is not as strictly required as in matters of faith—a general council may be judged useful or even more necessary when something new is to be established that binds all. Indeed, the power of the Pope is, in itself, sufficient to enact universal laws, since he presides over the whole Church. However, since this power has been given for the building up of the Church and not for its harm, if it is feared that a law might provoke discord, it should not be enacted. For this reason, Roman Pontiffs have been accustomed to suspend or delay such laws until they can be introduced safely, peacefully, and beneficially. In some cases, such measures could not be taken without a general council, or at least not without prior consultation with those Churches or bishops from whom opposition is expected. For example, Pope Benedict XIV was inclined to reduce the number of feast days; yet he did not wish to impose a universal reduction. Instead, through letters he first sought the opinions of bishops and other distinguished figures, and granted the reduction only to those who agreed. For those who objected or raised difficulties, he did not consider the law binding, lest scandals arise. These remarks will suffice for those capable of understanding.

To the Greater Glory of God and the Honor of the Mother of God.

FINIS.